SENATE—*Thursday, February 8, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

"The Senate is the living symbol of our Union of States." (Dirksen Building)

*Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and bad: for who is able to judge this thy so great a people? And the speech pleased the Lord. * * *—1 Kings 3:9, 10.*

Eternal God, Lord of the universe, Ruler of the nations, as King Solomon, the wisest of men, prayed for his own rule so I pray for this great and powerful institution, the United States Senate, where all the diversity of Nation and world meet. With few exceptions, whatever the issue, the Senate must find a way midst all the controversy of Nation and world, the many conflicting views of 50 States, many great cities and counties, unnumbered organizations and special interests, plus the views of millions of constituents—not to mention partisan interests as well as conservative/liberal views which converge here. Out of such a complex milieu, the Senate must produce legislation responsive to all the issues and voices yet never totally satisfactory to any.

Grant to Thy servants and staffs the wisdom of God to find the golden way and the courage to follow it. In the name of Jesus who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 1990.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m. I will seek consent to proceed to the consideration of Calendar Order No. 50, S. 419, the hate crime statistics bill.

This is important legislation which the President has indicated he supports and I hope very much, Mr. President, we will be able to proceed to consideration and disposition of that legislation today.

Mr. President, I reserve the remainder of my leader time. I am pleased to yield to the Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

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

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

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

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF RUSSELL REDENBAUGH TO THE CIVIL RIGHTS COMMISSION

Mr. DOLE. Mr. President, I would like to take this opportunity to announce that I have formally recommended Russell G. Redenbaugh of Philadelphia, PA, for an appointment to the U.S. Civil Rights Commission.

RUSSELL REDENBAUGH: A PROFILE IN COURAGE

From the start, Russell's life has been a profile in courage and achievement.

At age 17, Russell was blinded and lost most of his two hands—the result of a toy rocket explosion in the backyard of his family home.

While Russell's blindness—and the partial loss of his hands—may have made him stand out, they have never stood in the way of his own personal success.

Shortly after his accident, Russell attended the University of Utah, proceeded to graduate third in his class, then went on to the Wharton School at the University of Pennsylvania, where he apparently slipped up a bit and graduated only sixth in a class of 300 razor-sharp business students.

Russell is now a partner in an investment firm that manages more than 4 billion dollars' worth of stock and bond assets for pension funds and charitable endowments. He also somehow finds the time to serve as chairman and CEO of a computer software company, as a finance teacher to corporate executives and lawyers, and as a husband and father of four lovely children.

So, Russell's life has obviously been a life of leadership and accomplishment. But it has also been a life of many challenges—challenges made more difficult by his own extraordinary physical disabilities.

PROTECTION FOR THE DISABLED

Mr. President, last July, we celebrated the 25th anniversary of the Civil Rights Act of 1964. The passage of the Civil Rights Act was one of Congress—and America's—shining moments. And it was one of the great milestones in America's long journey toward civil rights justice.

But America needs to reach another milestone. We need to redefine the traditional meaning of the term "civil rights" by extending the protective shield of the civil rights laws to one group that remains unprotected—to a group with 43 million members—43 million Americans with disabilities.

That is why I join with Russell in supporting the Americans with Disabilities Act. And that's why I believe it is so important for America's disability community to have a forceful representative on the U.S. Civil Rights Commission.

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

39-059 O-91-9 (Pt. 2)

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

When he is finally appointed, Russell Redenbaugh will be the first person—the very first person—with a disability ever to sit on this Commission. I must say, I am very proud of that fact. And frankly, it is about time.

THE CIVIL RIGHTS COMMISSION AT THE CROSSROADS

We have heard a lot about dissension among the ranks of the Commission's members. We have heard a lot about the Commission's inability to get anything done. We have heard that politics has taken over.

With its recent reauthorization, the Commission now stands at the crossroads. The Commission can continue down the path of dissension, of politics over performance, or it can take an alternative road—the high road—and become a remade, reinvigorated guardian of our cherished civil rights.

CONCLUSION

Finally, I want to thank Senators HATCH and SIMON for their leadership on the Commission reauthorization bill. Without this leadership, I would not be here today recommending such a fine person for a Commission appointment. And I would not have had this opportunity to help the Commission regain its proper standing in American political life.

Mr. President, I ask unanimous consent that a biographical sketch of Russell Redenbaugh be printed in the RECORD.

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

RUSSELL G. REDENBAUGH

Summary of Qualifications: Author, executive, financial and economic strategist, builder of organizations and teacher.

EMPLOYMENT HISTORY

Partner and Director, Cooke & Bieler, Inc., Philadelphia, PA.; 1969—Present.

Security analyst, portfolio manager, chief investment officer and currently economic strategist for an investment management firm which manages about $4 billion of stock and bond assets for pension funds and charitable endowments.

Previously managed the largest number of clients, with responsibility for the largest pool of assets, $350 million. Directed and supervised securities research process. Developed innovative portfolio management and securities valuation techniques. Introduced a rigorous valuation methodology which resulted in systematic assessments of when to buy and when to sell, and which securities represented the most attractive values. Prepared the quarterly economic and investment outlook memoranda. All this occurred during a period of dramatic growth in the firm and superior results for client portfolios.

One of the seven partners responsible for the growth of the firm from $120 million to $4 billion in assets. This growth was accomplished with no change in the size of the professional staff or the total number of clients.

Chairman & Chief Executive Officer, Action Technologies, Inc., Emeryville, CA.; 1987—Present.

Concurrent with Cooke & Bieler responsibilities, is chairman and CEO of ATI, a maker of operating system and application software for distributed computing systems. ATI is an innovator in developing enabling technologies for coordination of work in the office. Responsible for the strategy that resulted in product commercialization and profitability for the firm.

Co-founder, Kairos, Inc., Philadelphia, PA.; 1984—Present.

Teaches finance to nonfinancial professionals, including corporate executives, lawyers and computer scientists. Also serves as head of this educational services firm.

PUBLICATIONS

July, 1989: Author of "Electronic Messaging Systems: Leveraging the Exchange Conversation," published by CompuCom Systems

1988—Present: Commentator on Federal Reserve policy, the U.S. economy, and technology to subscribers as author and publisher of an electronic newsletter

1975—Present: Author of numerous economic memoranda published for clients of Cooke & Bieler on the topics of the world economy, the U.S. economy, the stock market, Fed policy, interest rates, inflation, etc.

1985—Present: Author of "white papers" on the topics of money, financial instruments, production of income and language

EDUCATION

Wharton School, University of Pennsylvania, MBA, graduated with honors, sixth in class.

University of Utah, Salt Lake City, BS in Banking and Finance, graduated third in class, magna cum laude.

PROFESSIONAL AFFILIATIONS

Chartered Financial Analyst since 1972.

Chartered Investment Counselor since 1969.

Member of Financial Analysts of Philadelphia.

Member of Wharton Club of Philadelphia.

PERSONAL

Birthdate: July 14, 1945.

Married: Patty Redenbaugh.

Children: Micah, 10 (stepson), David, 9, Allie, 6, James, 1 month.

Blinded and lost most of hands at age 17 in an explosion while building a rocket.

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

MORNING BUSINESS

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

The Senator from Pennsylvania.

SENATOR DOLE'S COMMITMENT TO CIVIL RIGHTS

Mr. SPECTER. Mr. President, while the distinguished Republican leader is on the floor, I would like to compliment him on the designation of Mr. Russell Redenbaugh to the Civil Rights Commission. Mr. Redenbaugh is a distinguished Pennsylvanian who I have had the opportunity to meet.

I think Senator DOLE's appointment of the first individual who has a disability is a hallmark occasion and it shows Senator DOLE's commitment to civil rights and to improving the plight of the handicapped in this country.

I am pleased to be able to lend my support to his appointment and compliment my distinguished colleague on this matter.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER].

A GREAT FORTUNE TO SERVE WITH SENATOR DOLE

Mr. DURENBERGER. Mr. President, I am just fortunate enough to be the chief Republican cosponsor of the Americans With Disabilities Act. Even more so, let me say it is my great good fortune, and has been for the last 11 years, to serve in the U.S. Senate with BOB DOLE. There is not anybody here in my experience in this period of time that has made a greater commitment, perhaps because of the party that he represents and some of the views that people occasionally have toward our party today, to the cause of civil rights in this country. His latest contribution is probably not one he was born with but came along during the course of his life, and that is a commitment to discrimination in America against the 43 million people with disabilities.

BOB DOLE's leadership in getting the Americans With Disabilities Act through this body with a very, very substantial vote against substantial opposition, his leadership in getting it to this point in the negotiations with the administration and his leadership now in trying to influence the House of Representatives to come to an agreement on a bill that the President can sign I think is a signal. What he announced here today is just another indication of what a fine spirit this Republican leader has, not just for those with disabilities but in the area of discrimination, generally, in this country.

TRANSANTARCTIC EXPEDITION

Mr. DURENBERGER. Mr. President, I rise now once again to give my weekly update on the six-man international dogsled expedition that is currently crossing the Antarctic continent.

The team is right now 410 miles away from the Soviet science station at Mirnyy, which is their ultimate objective, on the coast of the Antarctic.

They have traveled 3,200 miles from their beginning point in the first part of August 1989 across this continent. They are, I remind you once again, the first people in history to cross Antarc-

tica on foot, and they are going to do it right on schedule.

They have had good traveling weather. As Frenchman and coleader Jean-Louis Etienne radioed this week, "blue sky, white sun, and flat surfaces." However, it has been cold. The temperature has been hovering somewhere between 40 and 50 degrees below zero.

The cold affects everything, but it is obviously worse in the morning. They wake up to a frozen world. Their tents are covered by ice and sleeping bags frozen stiff. In order to eat breakfast, the stoves must be lit, but the white gas is reluctant to burn and the gas itself must be warmed up by using matches. But even the matches freeze. At 50 degrees below, everything freezes—food, clothing, utensils.

As Geoff Somers describes, "You crawl out of the bags into the freezing temperatures, and you feel absolutely horrible. All you want to do is stay in the bag. But you do not have any choice. It's like going to work every day. Sometimes you wish for a storm so you can stay in bed. But it's this impulse thing. You've got to go!"

So each morning the men write in their diaries, but that is easier said than done at 50 degrees below zero. First, the paper has to be warmed over the Coleman stove, to drive away the moisture and heat the pages so the ink will dry. Then, the pen must be warmed, usually by holding the pen against their bodies.

Mr. President, many of my colleagues have asked me exactly how the team travels. They want to know about the dogsleds, and some people worry about the dogs pulling all these big men. As this picture shows, the men do not ride on the sleds, as we might normally conceptualize. Instead, as in the case here of Geoff Somers, they ski along beside the sleds. Riding on the sleds would obviously be very hard on the dogs, and it would waste their energy. The sleds themselves carry the supplies and the equipment, not the men, who are skiing alongside them.

There are three wooden sleds, each pulled by 12 dogs and tended, as in this case, by the two men. Each sled weighs about 100 pounds empty and 1,000 pounds when fully loaded. One man is tethered to the back of the sled while the other man leads the dogs.

Mr. President, as the six men from six different countries near the end of their trek, I know it is not easy to fully grasp the significance of their feat. When they reach Mirnyy in a couple weeks, they will have done something that no one has ever done before. Many have climbed Mount Everest, but no one has traveled 3,600 miles on dogsled across Antarctica. That is further then traveling from New York City to Los Angeles. This was done in unbearable weather, 60 below temperatures, through ice storms and at great risk.

I hope my colleagues will reflect on this, and consider both the feat historic and the men heroes.

EMIGRATION OF SOVIET JEWS

Mr. SPECTER. Mr. President, today Secretary of State James Baker is scheduled to meet with the Soviet Minister Shevardnadze on a wide range of topics affecting the relationship between the United States and the Soviet Union, and one of the items on the agenda is a discussion of a program to enable Soviet Jews to leave the Soviet Union to travel to the State of Israel. There is an arrangement worked out between El Al and Aeroflot to provide for accelerated transportation with perhaps as many as two or more flights, jumbo jets, from the Soviet Union, on El Al planes. That arrangement, however, has not proceeded because of certain political impediments.

Mr. President, a letter has been circulated among U.S. Senators, and I am pleased to announce this morning that late last night we obtained the 100th signature marking the full complement of United States Senators on a letter to President Gorbachev, urging that the implementation of the agreement be immediate to allow for the maximum emigration of Jews from the Soviet Union to the State of Israel.

In a recent trip last month to Israel, I was informed by our Ambassador there, Bill Brown, that there were Jews who had exit visas from the Soviet Union and entry visas to Israel, but their airplane tickets were not dated until November of this year.

I was asked by Deputy Foreign Minister Benjamin Netanyahu to do what I could to bring United States political sentiment to bear on this issue and later discussed this matter with Prime Minister Shamir, who is very anxious to expedite the transit of Jews from the Soviet Union to Israel, and upon return a letter was prepared. We quickly obtained the leadership support from the majority leader, Senator MITCHELL, and from the Republican leader, Senator DOLE, and then proceeded to circulate this letter in the Senate and, as I say, we now have signatures from 100 Senators supporting this very important matter.

In my efforts to find a precedent for having 100 signatures on a letter, no one has recollected that having been achieved, so I think it is perhaps even more significant that this unanimity is present from our body.

This matter, Mr. President, is especially important to me. My father came to the United States from Russia in 1911. He came before there was a Soviet Union. My mother came with her parents at the age of 5 from a portion of Russia and Poland which changed hands depending upon what year the identification of the boundaries were marked.

There is an increase, as we know from many reports, of anti-Semitism in the Soviet Union. There is a real pressing humanitarian interest in having Jews who wish to leave the Soviet Union to go to Israel be able to do so at the earliest moment.

We have limited, as you know, Mr. President, the number of Jews who can come to the United States. It is my wish that we have more; that we should relax our immigration policies in that direction, and it is a matter that many of us will continue to fight on the Senate floor. But until there is an opportunity for more Jews to come to this country, they ought to be able to travel and migrate freely. I doubt that we will ever have unlimited immigration, although I think that would be desirable both from a humanitarian point of view and from a point of view of strengthening the United States. Our country was built on a strong base of immigrants coming to this county. But it is not likely to happen there will be unlimited immigration. Until that can occur—and the State of Israel is ready, willing and able to accept all the Jews who wish to go there from the Soviet Union—it is very important for the growing strength of the state of Israel, but perhaps first and foremost on humanitarian grounds to allow Jews—and the principle would apply to anyone—to be able to travel and to migrate as they see fit, making their own decisions in a context of freedom.

Mr. President, I ask unanimous consent that the full text of the letter and the accompanying signature pages showing the 100 signatures be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 5, 1990.

His Excellency Mikhail Gorbachev,
President, Supreme Soviet, The Kremlin.

DEAR PRESIDENT GORBACHEV: Noting the historic concern of the American people regarding the compelling plight of Soviet Jews, we are writing at this time to request that prompt action be taken to implement the agreement between Aeroflot and El Al Airlines to transport Soviet Jews to Israel.

This laudable agreement was signed in Moscow on December 6, 1989, with the "intention to advance air transport and aerial services between the two parties, between Soviet and Israeli points directly." Implementation was scheduled to begin on January 1, 1990, but as of this day, no actions related to the agreement have been taken.

It is our understanding that all aspects of authorization for the Soviet Jewish emigres to leave for Israel already have been arranged. We understand that these emigres have their exit visas from the USSR and their entrance visas to Israel in hand as well as airplane tickets. It is, of course, extreme-

ly difficult for such individuals who are very anxious and concerned about their future.

We have been assured that these Soviet Jewish emigres have the money for transit from either private or public sources and that Israel is prepared to receive them. We are advised that two, or perhaps even more, 747 flights per day can be arranged once this signed agreement between Aeroflot and El Al is implemented.

To accomplish this humanitarian purpose, we urge you to take whatever action is appropriate to have the agreement implemented. We are advised that the El Al mission that conducted the negotiation was informed that approval for implementation must come from the "political level" of the Soviet Union. When Foreign Minister Shevardnadze met with Israeli Foreign Minister Moshe Arens preceding the signing of the agreement, however, Mr. Shevardnadze offered that this was strictly a commercial rather than a political issue. In either case, we ask that you assist in removing whatever obstacles currently exist so that the flight may begin.

Thank you for your personal attention to this important matter.

Sincerely,

George J. Mitchell, Bob Dole, Arlen Specter, Alan Cranston, Wendell H. Ford, Thad Cochran, Carl Levin, John McCain, Paul Simon, James M. Jeffords, Slade Gorton, John D. Rockefeller IV, Dennis DeConcini, James A. McClure, Mark O. Hatfield, John W. Warner, Richard H. Bryan, Phil Gramm, Kent Conrad, Steve Symms, Quentin N. Burdick, Herb Kohl, Alan J. Dixon, Harry Reid, Brock Adams, Frank R. Lautenberg.

J. James Exon, Daniel Patrick Moynihan, John Heinz, Larry Pressler, Charles E. Grassley, Rudy Boschwitz, Claiborne Pell, Don Nickles, Joseph I. Lieberman, Daniel K. Inouye, Bill Bradley, Alfonse M. D'Amato, Pete V. Domenici, Bob Packwood, Dave Durenberger, John Glenn, Pete Wilson, Orrin G. Hatch, John H. Chafee, Connie Mack, Dan Coates, William S. Cohen, Warren Rudman, Jim Sasser, Edward M. Kennedy, Christopher S. Bond, Spark Matsunaga, Charles S. Robb, Lloyd Bentsen, Ted Stevens, John B. Breaux, J. Robert Kerrey, Joseph R. Biden, Jr., Richard G. Lugar, Gordon J. Humphrey, Donald W. Riegle, Jr., David L. Boren, Albert Gore, Jr., Patrick J. Leahy, Max Baucus, Bob Graham, Sam Nunn, Mitch McConnell, J. Bennett Johnston, Tom Harkin, Dale Bumpers, Jeff Bingaman, William V. Roth, Jr., Frank H. Murkowski, Strom Thurmond, Jake Garn, Nancy Landon Kassebaum.

Trent Lott, Jesse Helms, William L. Armstrong, Christopher J. Dodd, John C. Danforth, John F. Kerry, Terry Sanford, Conrad Burns, Ernest F. Hollings, David Pryor, Alan K. Simpson, Malcolm Wallop, Paul S. Sarbanes, Howell Heflin, Timothy E. Wirth, Barbara A. Mikulski, Thomas A. Daschle, Wyche Fowler, Jr., Robert W. Kasten, Jr., Richard Shelby, Robert C. Byrd, Howard M. Metzenbaum.

Mr. SPECTER. I thank the Chair. I yield the floor. I suggest the absence of quorum.

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

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask that the period for morning business be extended until 10:20, and that Senator DOMENICI be recognized to address the Senate for not to exceed 10 minutes.

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

MEXICO

Mr. DOMENICI. Mr. President, over the past few months I have had what I consider to be a rare opportunity to meet with the President of the Republic of Mexico and his foreign ministers, and others who advise him.

In addition, the Senate Budget Committee held field hearings on the potential economic impact of United States-Mexico relationships. That hearing was held recently.

I want to share what I learned because, while we have more at stake in Mexico than any other country, seldom does it get the attention that is commensurate with its importance.

There is a silent revolution going on in Mexico right in our own neighborhood. It is going on at a time when we are daily hearing about one country after another choosing democracy and moving toward pluralism, moving toward open economies, and moving toward free enterprise.

Yet while our newspapers and magazines are full of stories about these changes taking place in Eastern Europe, there is little written about the changes taking place in Mexico.

This Monday's Washington Post editorial page was a rare exception. The editorial, "Mexico and Its Banks," played down the emphasis on the recent deal with Mexico's bankers and described the reorganization of Mexico's internal economy as an "extraordinarily" impressive job.

The extraordinary global change taking place in the East-West relationship is historic and exciting. But at the same time, the same is true in north-south developments with Mexico. The free market experimentation that is going to take place in both hemispheres during this decade offers an unrepeatable opportunity for the United States and the free world.

During this year, the year of worldwide political earthquakes, our neighbor to the south is also making an irreversible shift toward becoming a free market economy. Mexico is taking radical economic steps to open its market to international competition. It is cutting subsidies, selling off inefficient enterprises, and pushing its budget toward balance.

We have an opportunity to team up with Mexico's President and move toward a stronger North American market.

President Salinas is a topflight economist who thinks and acts pragmatically. He is turning out to be a topflight political leader as well. He has chosen to lead his nation rather than to merely preside over it. He wants to add to the wealth of all Mexicans. He is moving away from a state dominated economy in Mexico toward a diversified free enterprise economy.

President Salinas has his work cut out for him:

He is wrestling with a huge Federal deficit. It is 11.5 percent of their GDP. To put this into perspective, if the United States had a Federal deficit of 11.5 percent of GDP, we would have a $575 billion deficit.

Mexico has a $138 billion foreign debt.

Inflation was 160 percent 2 years ago. It is now at or near 18 percent.

He inherited a country with an anti-foreign investment bias. As a result Mexico pursued a policy of unjustified restrictions on foreign investment.

On December 1, 1988, Salinas announced a new plan to open the country to foreign investment. Since then $2 billion foreign dollars have been invested in Mexico, much of it coming from Japan.

When Salinas took office his citizens had little confidence in the Mexican economy or the Mexican leaders. Many feared arbitrary expropriation of private property. Consequently, the country experienced significant capital flight.

Salinas has been able to replace this capital flight trend with capital reflows. More than $2 billion has flowed back into Mexican financial institutions and Mexican investments last year. It appears that President Salinas has already taken the first step in convincing Mexican citizens that it is prudent to invest in Mexico and its economy.

In the 1970's Mexico had 1,155 state-owned enterprises. Since Salinas became President—and started before he came into office—the number has continued to drop. This year the number of state-owned enterprises had declined to 400.

Still, as late as 1988, the state-owned enterprises controlled two-thirds of the economy and was spending 53 percent of the GNP with the predictable side effects of inflation, and inefficiency.

Under President's Salinas' leadership privatization is moving as fast as

the political system permits. The government has sold the Nacional Hotelera chain of five-star hotels and withdrawn from the automobile industry with the sale of Vehiculos Automotores Mexicanos and Renault de Mexico. In May 1989, Mexico announced it would sell its majority share in the country's leading airline, Mexicana, to Mexican and foreign investors. The sale of the state telephone company is next and CONASUPO, the state-run food distribution system is now being reorganized.

By 1999, Mexico City will be one of the two most populous cities in the world. It is one of the most polluted cities already.

Mexico's population is growing twice as fast as the United States population. Twenty-five years ago, the population was 45 million with 55 percent living their lives as urban dwellers. The World Bank projects the population to reach 105 million by the end of the century with 71 percent living in the already bulging cities.

While the United States had 1 DEA agent killed in the drug war, Mexico has had 63 of its drug enforcing agents killed.

During the thirteen months Salinas has been President, Mexican authorities have seized more cocaine than they had in the previous 10 years.

These are the kinds of problems facing President Salinas and some of the progress he has made so far. There is vast economic potential for Mexico as a result of this young population and their new attitudes. Japan seems convinced of this, and is investing heavily. The Japanese can spot an opportunity when they see one, and when they see one, they move in.

If the productive energies of the people of Mexico can be directed through imaginative economic policies that encourage entrepreneurs, Mexico could become the North American equivalent of South Korea.

Mexico's economic growth depends to a large extent on increased exports to the United States. The new United States-Mexico Framework under which trade barriers could be reduced through bilateral negotiations can greatly help this.

For the United States and Mexico, a mutually beneficial program is the "maquiladora," or "twin plant" program which has been growing impressively.

An example of this program's potential consider these facts about the border towns of El Paso and Ciudad Juarez:

In 1969, in Ciudad Juarez there were 11 twin plants employing 2,300 workers.

In 1987, there were 265 plants employing 118,000 workers.

In 1989, there are 300 plants employing 135,000 workers.

This one program involved 2,500 U.S. companies and provided 374,000 U.S. jobs in 49 States.

In 1988, there was 4 billion dollars worth of goods shipped to the U.S. from Maquiladora plants. The program has experienced a 30-percent-per-year increase in growth.

The country is posed to take off. It experienced a 3 percent GDP growth rate in 1989 when many of its Latin American neighbors experienced negative growth. The Mexican Government has a goal of 4 to 6 percent, noninflationary growth for the next 5 years.

Whatever its limitations elsewhere, the Brady Plan for debt rescheduling is helping Mexico. Secretary Brady just returned from Mexico City on Sunday where he attended the final signing of a new debt package that should reduce the Mexican public debt by $10 billion annually. It should reduce annual interest payments by $2 billion.

As a result, Mexico's external debt service payments are expected to decline by 4 percent of their GDP. That is a commendable accomplishment.

President Salinas is making permanent structural changes. He is working for continued social stability; he is trying to broaden the country's economic base and modernize its plant and equipment.

If a leader can be only as great as the problem he must overcome, Salinas could go down as one of the great leaders of the 20th century.

Economic forces of the world are surging across national borders, resulting in expectations of more democracy, more freedom, more trade, more opportunity, and greater prosperity.

While the United States cannot solve Mexico's problems, we can work together with Mexico's able leader to build upon an already important trade relationship—our third largest behind Canada and Japan. We can move toward an integrated North American market. We can help Mexico export its products instead of its people. We can develop a truly bilateral, open trading relationship between our two countries. Both Americans and Mexicans would benefit.

I hope we see that truly extraordinary things are occurring in Mexico, and we should take advantage of this longstanding desire on the people of Mexico to grow and prosper and to do everything we can to make this a true bipartisan, bicountry, bilateral arrangement that is good for both of us.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal be printed in the RECORD at this point.

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

[From the Wall Street Journal, Jan. 23, 1990]

OLLIE MULFORD

When Ollie North wanted to slip some money to the Contras, he drew on his military expertise to arrange the Iranian arms sale. The U.S. government sold some arms at conventional prices to middlemen, who resold them at the inflated prices of the bootleg arms trade, and sent some of the profit to the Contras. Too bad he didn't check in with David Mulford at the Treasury; with a little financial expertise, it could have been done the easy way.

Mr. Mulford, undersecretary of the Treasury and architect of the Brady Plan for international debt relief, has arranged to sell Mexico zero-coupon bonds in a face amount of some $33 billion as the Treasury's contribution to the latest agreement between indebted Mexico and its creditor banks. Conventional bonds of course pay interest every year and the principal at maturity. Zeros, a relatively new innovation, pay no interest but offer their buyers their return in the form of a deep initial discount from the face value at which they will be redeemed at maturity. Mexico is buying the Treasury zeros to serve as collateral for bonds it will issue under the Brady Plan to substitute for debts already held by banks.

When the Mexican deal was struck, U.S. Treasury zeros were selling in the open market at a yield of about 7.75%. But the Treasury priced the zeros that it will sell to Mexico to yield 8.05%, reflecting the price not of zeros but of conventional 30-year bonds. The difference of 30 basis points on $33 billion of 30-year bonds works out to some $350 million less in up-front money Mexico has to pay the Treasury.

The Treasury says the pricing decision was based on the precedent of the 1987 sale of Mexican zeros. At that time, the market for zeros was undeveloped, and the price of conventional bonds was used as a benchmark. By now the zero market is much better developed, and was used as a benchmark for $4.5 billion in zeros the Treasury sold last October to Resolution Funding Corp. for use as collateral in Refcorp.'s borrowings to finance the S&L bailout. But the Treasury says that for pricing a huge $33 billion transaction the zero market is still underdeveloped, so it decided the 1987 precedent provided a better benchmark for the Mexican zeros.

To us (and others), though, the pricing looks like an effort to save face for the Brady Plan by pumping in an extra $350 million in taxpayer subsidy. Under the plan, banks holding Mexican debt had three options: They could write down existing debts to 65% of face value. They could keep current face values but accept below-market interest rates. Or they could keep current debts but issue further loans; this third "new money" option was intended to supply Mexico with enough balance-of-payments financing to implement its economic plans. Final agreement proved elusive because not enough banks picked the new money option. The deal was struck, it looks to us, by pricing the zeros in a way that substitutes for $350 million in new money.

Such a backdoor financing scheme raises dicey legal questions under an 1870 law called the Anti-Deficiency Act, possible violations of which prompted Attorney General Edwin Meese to order the original criminal investigation of Oliver North. The law details the constitutional provision that no money be spent without a Congressional ap-

propriation. Congress has not appropriated $350 million for Mexico, to bail out the banks' bad loans or to salvage the Brady Plan. Herbert Fenster, a defense contracting lawyer and Anti-Deficiency Act hawk, has sent a Freedom of Information Act request to the Treasury on the Mexican deal. While conceding that the issue of standing must be overcome, he says he hopes to sue to block the deal.

At this point, collapse of the deal would cause an earthquake in our relations with Mexico. Under President Carlos Salinas de Gortari, Mexico has been a debt-recovery model, slashing away at its government spending, attacking corruption, selling money-losing state businesses, reducing restrictions on foreign investment and even starting to open the electoral process. It has already been left at the altar twice, first when the Treasury failed to process a bridge loan promised under the Reagan administration, and then when the Brady Plan failed to come up with new money. Mexico has earned some help, the U.S. has enormous interest in its success and President Bush can ill afford a third broken promise to President Salinas.

The Treasury professes to see no Anti-Deficiency Act issues in the Mexican deal, saying that the Treasury Secretary has broad discretion in setting the terms of borrowing, and that the bonds were appropriately priced. Its officials deny that the motive for the pricing was to provide new money; they've been critical of our reporters for describing the deal as a subsidy, though Wall Street experts and former Treasury officals also see it as one. Congress, sensitive to its prerogative over the purse, is likely to wonder what else the Treasury can finance by jiggering its benchmarks. This legitimate question gives Congress new ammunition in its campaign against executive power. At the very least, the Secretary may find his broad discretion narrowed.

President Bush, in short, is in a spot, with both the Mexicans and Congressmen likely to suspect his Treasury of cutting financial corners. We note that when President Roosevelt transfered destroyers to Great Britain, he had his attorney general issue an opinion that the Anti-Deficiency Act somehow was not violated. And that Ollie North was never charged with violating it, probably because of the presidential finding authorizing the arms sale. To keep the Mexican zeros from compounding into a major problem, the President needs to take charge.

Our advice is this: President Bush should issue a specific finding that the zero sale is necessary to the national interest, and a promise that its pricing will not be lightly repeated. If someone is to tread along the edges of the spending power, we at least ought to be resassured that it is a President and not some overly clever underling.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,790th day that Terry Anderson has been held in captivity in Beirut.

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

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

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. ADAMS. Mr. President, I ask unanimous consent that the period for morning business be extended until the hour of 11:30 under the same conditions as previously ordered.

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

(The remarks of Mr. ADAMS pertaining to the introduction of S. 2105 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS. Mr. President, I yield back the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I also ask unanimous consent to address the Senate for 5 minutes as if in morning business.

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

HOME HEATING FUEL PRICES

Mr. GRASSLEY. Mr. President, I rise today to highlight the unresolved problem regarding the sharp increases in home heating fuel prices last December during this historically cold period, many consumers saw their monthly energy bill rise an unbelievable 100 to 300 percent within a matter of a few weeks.

I am certainly aware of the unique circumstances prevailing in late November and December. Exceptionally cold weather boosted demand to historic levels. Supply shortages were compounded by refinery outages and distribution problems. Spot and futures markets were also highly volatile.

All of these circumstances helped fuel the unprecedented price increases. However, the fact remains that some in the oil industry received huge profit increases during this period. The question of whether these profits were fair remains to be answered.

On December 28 of last year, I wrote to both Attorney General Thornburgh and Department of Energy Secretary, Admiral Watkins requesting that they work together in investigating this crisis. Admiral Watkins has reported to me that DOE will conduct a "* * * definitive analysis of what drove up prices and who benefited from these price increases."

However, this report will not be out until June of this year. In addition, while this study should be helpful, the Justice Department is the only agency with the necessary powers and personnel to conduct a thorough investigation. Unfortunately, the Justice Department appears to be unwilling to conduct anything more than a superficial inquiry into the situation. According to the Justice Department response to my initial letter, the Department appears to be sitting back and waiting for someone to hand over evidence to it, rather than going out and finding evidence on its own.

This seems to be a continuation of the less than vigorous attitude of the Department's Antitrust Division. For instance, back in 1984, the Department supposedly investigated the heating oil price increase that occurred the previous winter of 1983. The Department determined—without the benefit of a single subpoenaed individual or document—that "price increases were a result of normal, competitive market behavior, rather than anticompetitive agreements among competitors."

Mr. President, this kind of so-called investigation undermines the Department's credibility.

It seems to me we should have the Department either investigate and determine that the marketplace is working and tell the public that so we can reestablish confidence in the marketplace or if people were doing something illegal they need to be prosecuted.

The simple fact of the matter is that millions of Americans including the least fortunate in our society, are spending hundreds of millions of dollars more for their heating fuels than they had expected to spend just a few weeks ago.

In response to these developments, I, along with 16 of my Senate colleagues—and the number now is up to 21—wrote to Attorney General Thornburgh this week requesting that the Justice Department initiate a full-scale investigation of the circumstances surrounding these dramatic price increases.

Mr. President, this money is not just disappearing. Somebody is making a huge profit. And we owe it to the people we represent to try to find out whether these profits were made in a fair and legal manner.

I commend Senator LIEBERMAN for wasting no time in holding a hearing last month on this problem in the Senate Governmental Affairs Committee. It is my hope that the Attorney General will respond to this problem and our concerns by conducting a vig-

orous and thorough investigation in the immediate future.

It is extremely important that the administration and Congress do all we can, short of reregulation, to prevent a similar crisis from happening again. We must do what we can to ensure that adequate fuel supplies are available in the future to consumers in a free and fair market.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLEAN AIR RESTORATION STANDARDS ATTAINMENT ACT OF 1989

Mr. THURMOND. Mr. President, in June 1989, President Bush announced a broad outline of his plans to propose comprehensive legislation amending the Clean Air Act. Two months later, he forwarded to the Congress a comprehensive bill, S. 1490, which would make the first substantial changes in the Clean Air Act since 1977. I am pleased to be a cosponsor of that legislation and to be a supporter of clean air. Although S. 1490 is not a perfect bill, I believe it represents the most reasonable and realistic approach of all the clean air bills that have been introduced.

Two weeks ago, the Senate began consideration of S. 1630, the Clean Air Restoration Standards Attainment Act. This comprehensive legislation, while similar to S. 1490, is much more extreme than the bill the President has offered. The real question during this debate is not "Should we have cleaner air"—but rather, "What is the most reasonable means to achieve this end?"

Consisting of seven titles, this bill addresses ambient air quality standards, mobile source controls, air toxics, acid rain, permitting of businesses, protection of the stratospheric ozone layer, and enforcement authority. It has far-reaching implications for all Americans. Not only will it impact large, heavily capitalized businesses, but it will also significantly impact small family-run businesses, and ultimately individual consumers. Accordingly, we must be careful to craft a bill that is reasonable to most Americans.

Mr. President, in this regard, I do have concerns about this bill as currently drafted. Specifically, the residual risks standard contained in the air toxics provisions of title III will impose additional burdens on many businesses, including the textile industry, which has already been harmed by the growth of imports. For example, in 1978 the textile industry employed 899,000 persons. In 1988, this number dropped to 729,000, a decrease of 19 percent. In my home State alone, there has been nearly a 26.9-percent drop in textile employment from 143,400 jobs in 1978 to 106,300 in 1988. Already hampered by imports, it just does not make sense to impose such unreasonable controls upon private enterprise.

Other businesses such as mining will be impacted as well. For example, in 1988, in my home State an enterprising company took on the task of opening and operating a gold mine, which has provided employment to 140 people. The extreme changes proposed in some of the air toxics provisions could substantially impact this new company. In short, we must be careful not to shortchange free enterprise. Industries must be able to remain competitive. Change is needed in our clean air laws, but it must be reasonable.

To put this in perspective, a cost comparison prepared last month by the Environmental Protection Agency estimates the Senate bill to be nearly double the price of the administrative bill. The Senate bill, S. 1630, would cost $42 billion and the administration bill $19 billion. In addition, the residual risk standard which I mentioned earlier is estimated to cost approximately $4.5 billion more than the administration measure.

Mr. President, I also have concerns about the acid rain provisions contained in title IV, and the potential impact these provisions could have on consumers in my home State, and the Southeast-at-large. Specifically, I have received information indicating that families in South Carolina could be paying 10 to 15 percent more for their electricity as a result of this legislation. In addition to households, heavy industrial users of electricity such as aluminum processors and many, many others will be similarly affected by this legislation. While we must clean up the air we breathe, we must do it in a reasonable manner.

Mr. President, I am concerned about the national emissions' cap set at the year 2000 level, the limitation to the baseline years 1985-87 for calculation of emissions, and the general lack of credit given to companies which have already been operating clean plants. These provisions are particularly inequitable for the Southeast, which has been experiencing economic growth. In effect, these provisions represent a no growth policy, and make it much more difficult for new units to be constructed.

In my home State, utilities have a solid record of low emissions, due to the use of low-sulfur coal, clean technologies, and nuclear power—one of the cleanest sources of power available. It is only equitable that credit be given for these positive changes. Unfortunately, there is insufficient recognition in the bill for these positive changes.

Mr. President, these are just a few of the concerns I have. As I mentioned earlier, I am a supporter of clean air. However, we must be both realistic and reasonable in our approach on this matter. I look forward to the continuing debate on this important matter.

DEATH OF R. LYNN RYLANDER

Mr. WARNER. Mr. President, I would like to bring to the attention of the Senate some sad news. Mr. R. Lynn Rylander, who was serving as an Acting Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, died very unexpectedly this past Saturday.

Lynn had worked very closely with this committee over the years while serving in various posts in the Department of Defense. He was a dedicated public servant who labored tirelessly for his country. One could not ask for a more loyal ally than Lynn. He was also a very tough adversary for those who had the misfortune to find themselves on the opposite side on an issue from him.

There will be a memorial service for Lynn tomorrow morning at 11 o'clock at the St. Matthews Episcopal Church in Sterling, VA. He is survived by his wife, Rebecca, and their daughter, Kate, and son, T.J. Mr. President, I ask unanimous consent that an article concerning Lynn's death from the February 7 edition of the Washington Post be printed in the RECORD.

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

[From the Washington Post, Feb. 7, 1990]

R.L. RYLANDER, OFFICIAL AT DEFENSE, DIES

R. Lynn, Rylander, 43, an acting deputy assistant secretary of defense for special operations and low intensity conflict, died of cardiac arrest Feb. 3 at Reston Hospital Center. He had been stricken earlier that day while playing racquetball near his home in Sterling.

Mr. Rylander was a native of Oklahoma. He graduated from the University of Oklahoma and received a master's degree in economic development from American University and a master's degree in public administration from Harvard University.

He came to the Washington area in 1968 when he joined the Central Intelligence Agency as an economic analyst. He transferred to the Defense Department in the mid-1970s. He had worked in the department's Program Analysis and Evaluation Section and in the International Security Affairs Office before joining the Special Operations and Low Intensity Conflict Section.

He was a member of the D.C. National Guard.

Mr. Rylander had written articles for Military Review, Naval War College Review and Marine Corps Gazette. He has given lectures at the Army, Naval and Air war col-

leges. In 1985, he received a Meritorious Civilian Service award from the Defense Department.

He was a member of American Mensa, the American Defense Preparedness Association and the Center for Strategic and International Studies. He was a member of the Special Forces Association, the Air Commando Association and the Fraternal Order of UDT/SEAL.

His marriage to Linda Rylander ended in divorce.

Survivors include his wife, Rebecca F. Rylander, a daughter and a son from his second marriage, Kate Rylander and T.J. Rylander, all of Sterling; his father, Leroy F. Rylander of Owasso, Okla; and a sister, Norma Lockwood of Tulsa, Okla.

YEVGENY YEVTUSHENKO

Mr. GORE. Mr. President, this morning's edition of the New York Times carried a poem written by the renowned Soviet poet Yevgeny Yevtushenko and delivered by him at a dinner I attended some weeks ago in Moscow. With permission, I will include the poem and an introduction to it for the RECORD, in the belief that they both touch upon issues which are current and of deep importance and interest to the Congress: Namely, the struggle now underway within the Soviet Union to define that country's moral future.

Yevtushenko is a great voice in Soviet literature, and I enjoyed the opportunity to visit with him and to be present as he addressed a fundamental topic in the language of poetry. In this connection, I would like to make mention of one whose efforts helped to make this event possible. I had hoped to give him credit in the op-ed, but that reference and several hundred of my other words fell victim to the editor's need for space.

Mr. Victor Winston has had a successful career in business, but in recent years has returned to his first love which is the study of the Soviet Union, and is now a member of the staff of George Mason University. When he learned that I would be in Moscow, Mr. Winston took the initiative to propose a meeting with some personalities whose insights and experience would be valuable. It took considerable exertion on his part to organize the dinner memorialized in my article, and had he not also been present at the table, helping us to communicate across the language barrier, the discussion would surely have been less rich than it was. Moreover, the translation of Yevtushenko's text was undertaken by Mr. Winston as a separate effort, and I wish to express my appreciation to him not only for turning to this at once, but also for his success in producing a translation highly sensitive to the power and imagery of the Russian original.

I know that Mr. Winston will always share the warm memories I have at having been present at an occasion of this kind, but I think it is also important that his role in bringing it about be acknowledged, with an appropriate expression of thanks from this Senator, who benefited from a rare chance to see into the depths of the struggle now underway for the future of the peoples of the U.S.S.R.

Mr. President, I ask unanimous consent that the poem, along with my introduction, be printed in the RECORD.

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

[From the New York Times, Feb. 7, 1990]

HALF MEASURES

(By Yevgeny Yevtushenko)

Half measures can kill when on the brink of precipices,
chafing in terror at the bit,
we strain and sweat and foam because we cannot
jump just halfway across.
Blind is the one who but half sees the chasm,
and half recoils because he lost his way,
half mutineer and half suppressor
of the rebellion he has given birth to!
Semi-effective, semi-actions push the half people
back to the half rear,
the half satiated ones are but half hungry,
and those half free—are half enslaved.
Half fearful, halfway on the rampage . . .
a bit of this and yet a half of that,
a timid party-line espousing "Robin Hood"
half walking to a semi-guillotine.
Lost is the opposition's firmness.
Swashbuckling with a flimsy sword,
one cannot be a half guard with the cardinal,
and simultaneously half a king's musketeer.
There is no semi-fatherland,
nor can we fathom semi-conscience;
half freedom is the trek to jail,
and saving our fatherland halfway
would fail.

THE "HALF FREE" ARE "HALF ENSLAVED"

(By Albert Gore, Jr.)

WASHINGTON.—The poem was a simple, dramatic dessert to a long dinner around a table laden with delicacies rarely seen during a Soviet winter: plates full of beef and fish and a pyramid of fresh oranges.

We listened, Soviets and Americans, as Yevgeny Yevtushenko, the legendary poet of conscience, declaimed it, freezing into awed silence what had been a spirited debate about the course Soviet leaders must adopt. The poem, Mr. Yevtushenko said, was a new creation, but it was delivered with such command that it seemed to be recited from memory. He said that it would be called "Half Measures."

Our host, in an ornate room in an old Moscow restaurant, was Vitaly Korotich, editor in chief of the controversial magazine Ogonyok. He is also a member, in the Congress of People's Deputies, of the Inter-Regional Group—a loose alliance of delegates who believe perestroika will fail if Mikhail Gorbachev does not dramatically accelerate economic reform. Mr. Yevtushenko is also a delegate to the Congress, which meets at least once a year. He brings an unusual blend of poetic insight and knowledge of insider politics to his responsibilities.

When asked how virulent national rivalries and ethnic hatreds could boil over at a time of relatively unfettered political life, he spoke of a mastodon, perfectly frozen in time. Imagine, he said, that the scientific expedition that discovered the animal takes great pains to defrost it. Even if they proceed flawlessly, unseen to their eyes but thawing with the huge beast would be tiny microbes carrying ancient diseases with the ability to destroy it. Only the onset of decay would signal the microbes' presence. This is equally true of ethnic conflicts and anti-Semitism, which are now thawing along with political processes frozen for so long, Mr. Yevtushenko said.

It was while we talked of the possibility of a "third path" that Mr. Gorbachev might follow to lead the Soviet Union to safety that Mr. Yevtushenko's low, musical voice captivated us with "Half Measures."

For some, the "third path" involves an economic transition from the discredited "command" model to something approximating a free market, yet not quite capitalism. To others, it involves giving up the old imperial structure for something resembling a confederation, yet not quite entirely a union of sovereign equals. For still others, it means a society in which people need no longer lock their thoughts away in secret places, yet a society that is not quite based on the paramount value of individual rights.

The essential truth about the circumstances of the Soviet Union is conveyed in Mr. Yevtushenko's few lines. None of us in the West can presume to know how the Soviet Union can best make the excruciatingly difficult transition it is now attempting. After all, this is a society organized along lines so alien to our own that opening a McDonald's restaurant in Moscow has been accompanied by planning and economic life-support arrangements worthy of sending a mission to the moon.

It is worth appreciating, however, that many in the Soviet Union believe that the only real choice may be all or nothing: full economic and political freedom or the possibility of a return to conservatism: "Those half free—are half enslaved."

TRIBUTE TO MASSACHUSETTS FIREFIGHTERS

Mr. KENNEDY. Mr. President, each year thousands of people fall victim to the ravages of fire, including many brave men and women who risk their lives fighting fires. It is my privilege to give special tribute to three from Massachusetts: Paul R. Caron of West Barnstable; Anthony Conti, of Everett; and Frederick T. Donovan of Chelsea.

These men were committed to a profession that poses the greatest of risks and sometimes demands the greatest sacrifice. It is a profession that tests the limits of human emotion, endurance, dedication, and courage. The following prayer, offered at services to honor fallen firefighters, reflects the dedication of those engaged in this extraordinary form of service to their community.

A FIREFIGHTER'S PRAYER

Give me concern,
A willingness to seek out those in need.
Give me courage,
The boldness of spirit to face and conquer fear,

To share and endure the ordeal of others in need.
Give me strength,
Strength of heart, to bear whatever burden
Might be placed on me, and strength of body to
Deliver safely all those placed in my care.
Give me wisdom to lead,
The compassion to comfort, and the love to
Serve unselfishly wherever you take me.
And please Lord, throughout it all, be at my side.

I extend my sympathy to the family and friends of Paul Caron, Anthony Conti, and Frederick Donovan. I ask unanimous consent that a series of articles may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chelsea Record, Oct. 6, 1988]

DONOVAN WAS 17-YEAR VETERAN

(By Ann Belser)

CHELSEA.—A TWO-ALARM UPPER BROADWAY BLAZE LAST NIGHT LEFT FIREFIGHTER FREDERICK DONOVAN, 47, OF SPRINGVALE AVENUE, CHELSEA, DEAD, AND HOSPITALIZED FIVE FIREFIGHTERS AND TWO MEMBERS OF THE MALDEN EMERGENCY LIGHTING CREW.

This morning, flags were at half staff in the city and members of the department were making the memorial arrangements for Donovan, who his colleagues considered to be "a likable guy."

"I learned a lot from him," said one firefighter who wished not to be identified, but began his tenure on the department working with Donovan, "He was just the kind of guy that would help you out as much as he could. He taught me a lot."

Firefighters were first called to the fire in the four-unit two story building at 827-829 Broadway at 8:37 p.m. and a second alarm was sounded at 8:49 by Deputy Chief Joseph Von Handorf. None of the residents of the building were injured. The five other firefighters were treated and released from Widden Memorial Hospital.

Members of the Fire Department were visibly shaken this morning when talking about Donovan. "When the bell hit, he was one of the people that you loved to have behind you," said Lieutenant Herbert Kelloway.

Donovan, the father of two sons, was the pension and welfare officer for the firefighters' union, one of the four men in the union to hold office.

He was a 17-year veteran of the department, and a member of the Chelsea Irish Club.

The exact cause of Donovan's death was still undetermined this morning. He had gone in and when he came out. He was having trouble breathing while at the scene during the fire. Donovan was rushed by ambulance to Whidden Memorial Hospital where he was later pronounced dead.

The last Chelsea firefighter to die in the line of duty was Captain James Trainor, who suffered a heart attack during a New Year, 1978 blaze.

The fire is still under investigation and no official details were available this morning at press time, but members of the department said the intensity of the fire was extreme.

Deputy Chief Edward Doherty said cylinders of compressed gas were found in the building, and Acting Deputy Chief Dennis Williams said he could not confirm or deny what was in the tanks, however, firefighters, who wished not to be identified said they thought the tanks were acetylene and oxygen, firefighters broke all the windows and climbed onto the roof and vented the roof by cutting holes in it.

Flames roared from the venting holes and billows of thick black smoke rose into the air as firefighters stood on the roof a few feet away.

All the firefighters entering the house wore oxygen tanks and masks, and at one point before the blaze was brought under control, dozens of bells were ringing . . . the bells being the fireman's warning that it's time to change the tanks . . . before going back into the building.

The arrival of the gargantuan Malden emergency truck was a sight to behold. With air horns blaring and a phalanx of lights blinking, the massive red truck wound its way to a position in front of the house.

With its special, highpowered lighting apparatus directed onto the burning house, night was turned into day, and for the spectators lining Broadway, most of whom had been watching television in their living rooms, it was an opportunity to watch state of the art fire fighting technology first hand.

The property that burned is located in a thickly congested block of Broadway. It was built in the 1880's and strongly resembles similar type "workers' residences" which still stand in Newburyport.

With its side by side central entrances, plenty of windows for natural light, and wide stairways leading to the apartments on the second floor, the properties apartments were spacious and charming.

Unique wooden handcarvings, akin to those which craftsmen used to place on the bow of ships, adorned the entranceway of the Broadway house which burned last night.

They were still there this morning, although the house lays in ruin and a firefighter is dead.

It took firefighters about an hour to bring the blaze under control. By that time, that stretch of Broadway was a glaring collage of reds and blues, of blinking lights and men dressed in black rushing over a street covered with hoses.

"How many times can something like this happen in one small city," a neighbor was heard to ask.

"How many more times?" she asked.

[From the Everett Leader Herald, June 9, 1988]

FIREFIGHTER ANTHONY CONTI DIES DURING RESCUE ATTEMPT

An Everett firefighter who plunged into a neighbor's burning home to save two children supposedly inside of it, collapsed and died of a heart attack while his horrified wife looked on.

Anthony Conti, 56, of 24 Myrtle Street, was pronounced dead of cardiac arrest at Whidden Memorial Hospital at 8:18 a.m., just over an hour after he entered the fiery housing duplex at 25 Myrtle Street, Everett.

Conti, a pump operator, was not required to go into the house, which caught fire just after 7 a.m. But witnesses said he didn't hesitate when he was told there may have been children's lives at stake.

Firefighter John J. McCarthy, Conti's best friend, said Everett Engine 2—with Conti at the wheel—pulled up to the duplex at 7:10 a.m. and was greeted by a "hysterical" woman on the sidewalk who said her two kids were inside.

"Everybody seemed to go right in after those kids," McCarthy recalled.

Capt. David Butler, commander of Conti's shift and one of the firefighters who entered the building, said once Conti was inside, he clutched his chest and staggered out to the street.

"He came out and then dropped," said Deputy Fire Chief Robert Rideout. "The whole crew was badly shook up."

Unknown to the firefighters, the two children thought to be inside had escaped and were in the backyard of the woodframed two-story house.

"There was no one in the building," Butler said.

Fire officials are probing the cause of the fire, but said they suspect a short in the duplex's electrical wiring may have sparked the blaze, which started in an enclosed front porch on the second floor and caused an estimated $50,000 damage.

No other injuries were reported, but both families living in the duplex were left homeless by the fire.

Rideout said Conti didn't have to respond to the call, but did so because he knew the people who lived there.

Awakened by the fire, Conti's wife, Virginia, watched from her porch directly opposite the home as her husband fought the blaze.

"He looked over at her, they had eye contact," said Conti's daughter, Linda, of Revere. She said her mother did not want to interfere when her husband was working, so she just watched.

At one point, Mrs. Conti left her porch to go inside for warmer clothes. When she returned, she found rescue workers trying to resuscitate her husband.

"She went for him and they held her back," her daughter said.

Conti's death came less than a month after his older sister died of a heart attack, family and friends said.

While Conti's family and friends grieved, the men in Conti's other "family" at the Hancock Street firehouse said he was "a damn good firefighter" who will be missed.

"When you're on the Fire Department, it's like family," Deputy Chief Rideout said. Conti was a firefighter for decades.

"It was a little family up here," said Tony O'Brien, driver of Engine 4. "They used to joke about Tony making coffee. He made the lousiest coffee in the world."

Above the firehouse, the flag was lowered to halfstaff.

"There wasn't a man on this job that didn't respect him," O'Brien said.

Conti, an Army veteran, had been an ironworker before becoming a firefighter in the early 1960s.

He was the husband of Virginia (Worcester) Conti, and the father of Anthony and Joseph Conti of Everett, Linda Conti of Revere, Jean Guardino of Everett, and the late Jerry Conti.

He was the son of Ida (Piniaro) Conti of Malden, and the brother of the late Freda Bell. Mr. Conti was also the grandfather of Richard Guardino and Christina Conti, both of Everett.

A Funeral Mass was said on Wednesday at 10 a.m. at St. Joseph's Church, Everett. Burial was in Woodlawn Cemetery.

The funeral was arranged by the John F. Ward & Son Funeral Home, 772 Broadway, Everett.

The cause of the fire is still under investigation.

No other injuries were reported; all of the occupants of the building escaped safely.

[From the Cape Cod Times, Oct. 10, 1988]

BARNSTABLE FIREFIGHTER DIES IN CRASH

(By Richard Miller)

WEST BARNSTABLE.—With the American flag outside flying at half-staff and black bunting draping the front of the building, firefighters at the West Barnstable Fire Station yesterday remembered a comrade who died Saturday night while responding to a call.

Paul R. Caron, 43, a call firefighter and emergency medical technician, died Saturday night while on his way to assist in another accident. His car ran off Route 6A and into a tree.

Responding to firefighting and rescue calls was not Caron's full-time job, but it was soon going to be. He had spent many years as a lieutenant colonel for the Massachusetts National Guard at the Otis Air National Guard Base and most recently worked at the Boston Water and Sewer Commission.

Despite working part-time, Caron had already devoted more than 2,000 hours training for his paramedic certification, West Barnstable Fire Chief John P. Jenkins said. He had already spent nine years as a firefighter, seven with the Sandwich Fire Department and the last two in West Barnstable.

"Totally dedicated," Jenkins said. "Paul was that type of individual. Everything he did, he did superbly." At 11:18 p.m., West Barnstable firefighters and a rescue unit responded to a single-car accident at the intersection of Routes 6 and 132. The car had rolled on its side, crashing into a fire hydrant.

Caron, a bachelor, was at his home on Old County Road in East Sandwich when he heard the call. According to Jenkins, Caron had told his mother in South Natick earlier Saturday that he needed to respond to just one more motor-vehicle accident to finish his paramedic training.

This accident was the one that would "put him over the top," Jenkins said.

It was cold and rainy as Caron drove his 1987 Saab 900 east on Route 6A, heading toward the station, where he would have boarded a rescue vehicle. "The roads were just treacherous," Jenkins said.

He believes it was the rain, the cold and a layer of leaves on the road that caused Caron to lose control on a curve just east of Maple Street. Jenkins can remember three other fatalities around that same curve.

"There were not a lot of skid marks," Jenkins said. "He just came around that corner and just lost it. He must have been hydroplaning."

It was not until 11:52 that Jenkins and the rest of his crew received word of Caron's accident. They used the Jaws of Life hydraulic tool to remove his body from the vehicle. He was pronounced dead at Cape Cod Hospital in Hyannis at 1:11 a.m.

"It's very traumatic," said Jenkins, chief for 16 years. Jenkins described his group as a "close brotherhood" brought together by the stressful nature of the job.

"The members of a department are as close as a family," he said. "It will take a long, long time to get over losing someone."

[From the Cape Cod Times, Oct. 13, 1988]

COLLEAGUES MOURN FALLEN FIREFIGHTER

(By Trisha Currier)

SOUTH NATICK.—Yesterday afternoon, West Barnstable fire-fighter Paul Caron went home to South Natick on West Barnstable fire engine 296.

Caron died early Sunday after his car skidded off Route 6A and hit a tree at West Barnstable as he was responding to a car accident. He was 43. He was eulogized, prayed for and buried by 125 firefighters and police officers from across Cape Cod and Massachusetts.

Uniformed firefighters and police officers, many wearing white gloves, stood at attention outside the church as the fire engine carrying his casket pulled up, flower arrangements in its jump seats and on its tank. On the engine's rear step-board, Caron's coat, his name printed across it, hung with his helmet above his boots.

Caron was a resident of East Sandwich, but he grew up in the leafy suburb of South Natick, and was, like his two brothers, an altar boy at Sacred Heart Church. The quaint white church on Route 16 yesterday was the site of his funeral Mass.

During the service, waiting incense and the mournful tones of "Amazing Grace" filled the church. The firefighters and police officers who packed the aisles represented almost every town on Cape Cod as well as the Boston suburbs of Natick, Wellesley, Freetown and Dover. Public Safety Under-Secretary Dennis Condon was at the funeral representing the governor. Also attending the Mass were the three members of the West Barnstable Fire District Certification Board.

Uniformed officers wore black ribbons across their badges. A single white candle adorned with a red cross burned throughout the hour-long service on a stand at one end of Caron's American flag-draped casket.

West Barnstable Fire Chief John P. Jenkins, who was Caron's friend for 18 years, delivered the eulogy.

"In the fire service, there can be nothing more devastating, nothing more hurtful or painful or more tragic to the organization, than the less of a brother in the line of duty," Jenkins said, adding: "It's going to take a long time for those of us who were close to Paul to recover from his loss."

Jenkins urged those who attended to refrain from mourning Caron's death, urging them instead to "celebrate his life."

"He wouldn't want us to have tears in our eyes," Jenkins said. "He would want us to be happy because that was his life."

A former fighter pilot, Caron was a lieutenant colonel for the Massachusetts National Guard at Otis Air National Guard Base. He also had served in the U.S. Air Force at Lackland Air Force Base in Texas.

Caron worked for the Sandwich Fire Department for seven years before joining the West Barnstable department two years ago.

For the last year and a half, Caron doggedly pursued certification as a paramedic, a goal he spent 2,000 hours trying to achieve. Ironically, when he died he had to log just one more motor vehicle accident to fulfill the training requirement.

"Saturday evening, as we all responded to that motor vehicle accident, Paul left his home to respond. He met his death on his way to something he dearly loved," Jenkins said.

Jenkins informed mourners that Frank Kesloff, the director of the state's Emergency Medical Services program, has told Caron's mother her son will be awarded paramedic certification posthumously. The letter of certification will be mailed to her.

Along with his dedication to emergency services, Caron had a whimsical side. His penchant for imitating pterodactyis, flying dinosaurs, at odd moments betrayed his infectious sense of humor, Jenkins said. After dropping an injured person off at an area hospital, Caron was fond of cheering up his fellow rescue squad members by flapping his arms and squawking.

"(The squad) would be in stitches by the time they left Hyannis and got back to West Barnstable," Jenkins recalled.

Jenkins also remembered Caron as a man who always was willing to share his knowledge and experience with others, and was particularly supportive of the department's younger members.

To West Barnstable firefighter Marc Davis, Caron was like an older brother. Davis, who was one of the first firefighters to arrive at the scene of Caron's fatal crash, yesterday served as a pallbearer for his friend.

Standing beside Engine-Tanker 296 in South Natick's sun-dappled Glenwood Cemetery, Davis recalled the rescue squad's response to the call that came in at 11:52 Saturday night: "We were discussing CPR procedures en route to the call. Then I saw . . . the car. The chief grabbed me and said: 'Marc, it's Paul.' I broke down right there."

Davis and the other West Barnstable firefighters tried to revive Caron with the help of a rescue crew from Hyannis.

"It was a rough scene, but in a way it almost felt good because for all Paul did for me, I at least could give him a fighting chance," Davis said.

Davis, who turned 23 yesterday, said he was holding up well until he rode past a Natick fire engine that had parked along the route between the church and the cemetery. As the West Barnstable engine passed, the Natick firefighters saluted.

"I hung on until there, but . . .," he said, his voice trailing off as he watched firefighters and police officers place flowers on the casket. "It's the honor of a fallen brother. We all bleed for that person—our hearts do."

TRIBUTE TO THE LATE AUDREY RUTH KAY

Mr. KOHL. Mr. President, I rise today to pay tribute to a constituent of mine, Audrey Ruth Kay. Audrey was a wonderful asset to the community in Milwaukee, and she will be sorely missed by her family, her friends, and the many people she had the opportunity to serve. Audrey passed away last December of lung cancer at the age of 62.

A native of Milwaukee, Audrey spent 40 of her years serving her community. From the years 1966–79, she served as a staff member and then later director of the Jewish Children's Home. For the next 10 years, until her retirement in May 1989, she was the Milwaukee area director of the Children's Service Society of Wisconsin.

Audrey received her bachelor's degree from Ohio State University and then went back to her home State to earn her master's degree from the University of Wisconsin. She also served as the national secretary for her sorority Delta Phi Epsilon.

Audrey was a very strong and courageous woman who battled her illness with conviction. When her cancer was discovered doctors told her that she

would only have 6 to 9 months to live, but Ms. Kay battled her illness and lived for another 27 months.

Mr. President, I am glad to have the opportunity to pay tribute in the Senate of the life of Audrey Ruth Kay. She did not live in the public eye, and did not seek any fame for herself. But because of the lives she touched through her commitment to the Jewish Children's Home and the Children's Service Society, Milwaukee is a better place. She will be remembered and she will be missed.

GEORGE HAINES—RECIPIENT OF THE GREATER SAN JOSE SPORTS ASSOCIATION BUD WINTER AWARD

Mr. CRANSTON. Mr. President, I am delighted to recognize the tremendous achievements of George Haines who today will receive the Bud Winter Award from the Greater San Jose Sports Association for his years of goodwill, hard work and dedication exemplified through his coaching of athletics.

Being an active athlete myself, I know the mental and physical values that athletics, both individual and team play, have to offer. I also know that the success or failure of a team is dependent upon a coach who has earned respect from his players and who is capable of unleashing the desire to perform and excel beyond ones potential. Coaching swimming, waterpolo, wrestling and football since 1950, George Haines has led his teams to 54 Olympic medals and more than 170 championships. His coaching career has carried him from Santa Clara High School, Santa Clara Swim Club, Stanford University, and to the Olympic games on seven different occasions.

I am honored to congratulate George for providing strong leadership and inspiration to the young athletes and students whom he has been a role-model to over the course of his outstanding coaching career.

GREEK INDEPENDENCE DAY—A CELEBRATION OF THE GREEK-UNITED STATES DEMOCRATIC HERITAGE

Mr. PELL. Mr. President, I am pleased to offer my cosponsorship of Senate Joint Resolution 243, legislation to commemorate Greek Independence Day. I have traditionally supported similar legislation as a fitting tribute to the democratic bond between Greece and the United States. This bill, introduced by my colleagues, Senators SPECTER and LAUTENBERG, would designate March 25, 1990, as a national day of celebration of Greek and American democracy.

More than 2,000 years ago, the Greek statesman Pericles laid the framework for democratic structures in Greece when he proclaimed that the Greek "Constitution is called a democracy because power is in the hands not of a minority, but of the whole people." This statement embodies the principles adhered to by our own Founding Fathers 200 years ago as they drafted and ratified the very heart of American Government, the U.S. Constitution. In reflecting on the Greek contribution to the American system of Government. I recall the words of Thomas Jefferson, who stated that "to the ancient Greeks we are all indebted for the light which led us out of Gothic darkness." The Greek democratic beacon still shines bright and clear, enhanced by more than 169 years of independence.

Beyond our shared democratic heritage, Greek-American ties are strengthened by the interaction of our people. Greek immigrants have made significant contributions to nearly every aspect of American culture, including literature, art, medicine, music, sports, and politics. The Greek Orthodox faith has become an important segment of the diverse elements of the American religious community; last year I had the pleasure of congratulating Archbishop Iakovos upon the 30th anniversary of his leadership of the Greek Orthodox Archdiocese of North and South America.

Mr. President, I will be proud to join with Greek-Americans on March 25 as they celebrate our common history and the strength of our alliance. It will be a day to commemorate our shared values of freedom, democracy and independence; I urge my colleagues to support fully Senate Joint Resolution 243.

HOW TO FIGHT GLOBAL WARMING

Mr. PELL. Mr. President, in the late 1980's, concern for the environment has emerged as a major force in international politics. Increasingly, national governments are realizing that many of the environmental problems they face can only be solved by cooperative international action.

One of the most pressing examples of this is the threat of global warming. The international community's response to the threat was the creation in 1988 of the Intergovernmental Panel on Climate Change. The IPCC was created to assess the state of knowledge about global climate change and its impacts and to consider possible response strategies.

Separate from the IPCC, last summer's Paris summit meeting and the November meeting of environmental ministers in The Netherlands also addressed the climate change issue.

Prior to the this meeting, I introduced Senate Resolution 200, calling on the President to use the meeting to move the dialog on climate change forward by taking four concrete steps.

First, announce U.S. support for the initiation of negotiations on a framework convention on climate change in early 1990.

Second, announce the U.S. intention to host an international meeting to begin negotiations on such a convention.

Third, set a target date for the completion of this convention as soon as possible, but not later than March 1, 1991.

And finally, announce a commitment by the United States to reduce emissions of greenhouse gasses in conjunction with other industrialized countries.

I applaud the President's decision to take up the second of these suggestions by agreeing to host an international meeting to begin negotiations on a framework climate change convention. At the same time, I believe we need a commitment now by the United States actually to reach agreement on and bring into force an effective international convention to limit significantly greenhouse gas emissions.

The Honorable Elliot L. Richardson made an excellent case for an international treaty to coordinate and enforce international action on the environment in the February 7, 1990, New York Times, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Feb. 7, 1990]

HOW TO FIGHT GLOBAL WARMING

(By Elliot L. Richardson)

WASHINGTON.—Environmentalists and politicians can argue the costs and benefits of international action on global warming from now until doomsday, and they probably will. But nothing will get done without an institutional mechanism to develop, institute and enforce regulations across national boundaries.

The need for a mechanism emerged clearly from this week's meeting of the Intergovernmental Panel on Climate Change, a group sponsored by the United Nations. President Bush's speech at the conference, in which he called for more research on the "uncertainty" of global warming, may have disappointed some. But that misses the larger point.

Little can be accomplished in the absence of multilateral institutions that will eventually carry out whatever remedial environmental actions the world community can agree upon. In short, we need an international treaty, modeled perhaps on the Law of the Sea Treaty, to coordinate and enforce international action on the environment.

Of course, many scientific questions need to be answered. We need to know the costs and benefits of various means of stopping the buildup of greenhouse gases. We need to discuss regulatory standards and cost-effective enforcement measures. Eventually, however, we will have to act.

The world cannot afford to rely on independent action by individual countries. The results are bound to be highly uneven: One

nation could cut back on its carbon dioxide emissions; one could stop the destruction of its own forests; still another could do nothing. The least responsible transnational corporations will seek out and encourage the most permissive regulatory environments.

For maximum impact as well as equitable burden-sharing, there will have to be universal standards universally accepted. Deliberation about the political palatability and enforcement of these standards should be concurrent with, not subsequent to, deliberation about science and regulation.

Take, for instance, the question of whether to strengthen organizations like the United Nations Environmental Program or the International Maritime Organization, combine them or build a new one—a global Environmental Protection Agency—from scratch. Or take the question of what powers should be granted to the chosen institutions. Should these institutions be limited to formulating recommendations or should they also have the power to promulgate and enforce regulations?

Political considerations must also be discussed. Will there be a single governing body with universal representation? What kind of voting arrangement will govern its decisions—a one-nation, one-vote system like the United Nations General Assembly, a weighted system like the World Bank or Intelsat or something in between? Dispute-resolution mechanisms must be put in place.

Whether the international institution is given power to enforce rather than merely recommend regulations obviously affects representational and decison-making issues. In fact, the more power the organization will be expected to exercise and the more money it will be authorized to spend, the fiercer will be the battles.

The arena in which these battles are fought will be an international conference of some 160 sovereign states to be held in Brazil in 1992. These states will vastly differ in their contributions to environmental degradation. Their delegates will represent every race, culture, ideology, geographical circumstances and state of economic development on earth.

Given the scope and complexity of this conference's task, a thorough preparatory process is indispensable. The U.N. took four years to lay the groundwork for the Law of the Sea Conference, and the conference spent nine more years, with twice a year meetings, to produce a treaty.

The U.S. has not yet taken a prominent role in laying the groundwork for an environmental treaty. Our leadership in such effort nevertheless can make a critical difference. It is in our own interest and in that of the entire world community to take the initiative.

Our responsibility, our economic stake and our breadth of regulatory experience are unequalled. It is not too late.

EDUCATION ACTION THIS WEEK

Mr. MITCHELL. Mr. President, 3 weeks ago I outlined the agenda for the Senate. I spoke about the challenges we face as a nation and as legislators. I spoke about the needs of American families and our goals to meet those needs.

Today, I want to give a progress report on education, one of the most critical issues of importance to American families.

After a decade of reports and rhetoric, Americans expect action. This week marks the beginning of a year in which we will put what we know is needed, together with what we know will work, and get our school system back on track.

This week we have passed two major education bills and introduced a third. A fourth bill is pending on the Senate calendar and will be considered in the near future.

On Tuesday, by a vote of 99-0, the Senate approved the National Literacy Act—legislation to eliminate illiteracy by the year 2000.

The bill is a comprehensive plan that identifies the problem and confronts it head-on so that the goal of eliminating illiteracy becomes reality.

There are between 23 million and 27 million adults who are functionally illiterate today. Some estimates are even higher.

While experts may disagree on the exact number, there is no disagreement that we must reduce the number of functionally illiterate individuals if we are to maintain our productivity and growth as a nation.

With each passing year, the gap between jobs for Americans who are functionally illiterate and jobs that require solid basic skills for employment grows.

The National Literacy Act is a giant step toward the preservation of Americans in the workplace—each American.

On Wednesday, by a vote of 92-8, the Senate passed the Educational Excellence Act. The legislation will assist States to improve the basic skills of students. It will encourage innovative teaching methods and reduce student loan defaults.

The bill creates a presidential merit schools program to provide cash awards to public and private elementary and secondary schools that have made substantial progress in raising student achievement, in creating a safe and drug-free environment, and in reducing the student drop-out rate.

The bill creates an alternative certification for teachers and principals program at the elementary and secondary school level.

We know that this Nation will need about 2 million new teachers before the year 2000. We know that about 20 percent of new teachers leave during their first year of teaching and over half leave before their sixth year.

For those that stay, in a number of fields, they are not qualified to teach the courses for which they were hired.

The alternative certification program contained in this legislation is a modest program, but it is a start.

The Labor and Human Resources Committee has held several hearings on teacher recruitment, retention, and quality, and will report comprehensive legislation to the Senate later this year. This is a critical issue in which the Federal Government must become more involved and one in which I believe we can develop a better partnership with the States.

I am hopeful that the House of Representatives will act quickly on these bills so that we can move forward with our education agenda.

Today, I joined Senator KENNEDY and Senator HATFIELD in introducing the Excellence in Math, Science, and Engineering Education Act.

It is time Congress seriously considers how as a nation we will be prepared to face the next century.

We face a critical shortage of mathematicians, scientists, engineers, and technologists by the year 2000. The problem is multifaceted and there is no simple or quick solution.

Elementary schools give children a foundateion in technological education. Yet, studies have found that two-thirds of elementary science teachers are not fully qualified to teach science. And, nearly 80 percent of elementary school math teachers are not fully qualified to teach mathematics.

We know that for 8th graders in 20 foreign countries, Americans ranked 10th in arithmetic, 12th in algebra, 16th in geometry, and 18th in measurements.

We know that for college-bound high school seniors in 13 foreign countries, American students ranked 9th in physics, 11th in chemistry, and last in biology.

The legislation we introduced today is a comprehensive bill that addresses all levels of technological education, from elementary school through post-graduate studies.

The measure addresses the need for more qualified teachers, the need for more innovative material with which to teach, as well as new programs to stimulate our youth, particularly minorities.

This legislation is the cornerstone of an education agenda to keep this country competitive.

A fourth bill, the Carl Perkins Vocational Education Reauthorization Act, is on the Senate calendar and I expect we will pass it in the near future.

Over half of this Nation's students do not go on to college. The reauthorization bill will give States more flexibility in improving programs and shift more funding to the secondary school level. The legislation will raise the basic skills of students by improving the integration between academic and vocational courses.

These bills are the first step toward truly improving our nation's education system.

A SINGULAR HONOR FOR THE AMERICAN WOMAN

Mr. BYRD. Mr. President, the winning of a Fulbright Award has long

been recognized as one of the highest tributes that can be paid to anyone.

Recently, Wheeling Jesuit College in Wheeling, WV, announced that Wheeling Jesuit's director of college relations, Ms. Gail K. Mendelson, was named the first American woman to receive an academic administrator's Fulbright Award. Ms. Mendelson is in England for a 3-month schedule of studying English university relations and teaching her English college hosts about the American approach to strong community and alumni ties.

As here in our country, the British are currently examining ways to adapt their educational system to the evolving world economic situation, and they have found that American colleges and universities are well ahead in building relations that can mean greater financial support and more competitive student recruitment.

Specifically, Ms. Mendelson is sharing her talents and experiences in those areas of administration with the London School of Economics and the University of Kent at Canterbury.

I commend Ms. Mendelson and Wheeling Jesuit College on the salient recognition that has come to them in Ms. Mendelson's winning this Fulbright Award. We in West Virginia are particularly proud of the growing reputation of Wheeling Jesuit College, and we are likewise proud that Ms. Mendelson is being asked to participate in this notable new program with prominent sister institutions in England.

A fuller account of Ms. Mendelson's role in this project appeared in a recent issue in the Wheeling News-Register.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

BRITISH UNIVERSITIES SEEK WJC STAFFER'S EXPERTISE

(By Angelo Quaranta)

Once staid English universities are mounting strong public relations campaigns, and a Wheeling Jesuit College professional on a Fulbright Award will spend the next several months helping two of them.

Gail K. Mendelson, Wheeling Jesuits's director of college relations, is the first American woman to receive an academic administrator's Fulbright Award. She will spend the next three months studying English university relations and teaching what the Americans have to offer.

Mendelson will split her time between The London School of Economics and Political Science and the University of Kent at Canterbury.

Only 10 to 12 percent of English students go on to study in a university. With all of its perceived academic ills, Americans can claim that roughly one-third of its young people go on to college.

English centers of higher learning, once dependent on a tuition grant program that is being phased out, now need to maintain strong ties with the community and with their alumni.

"They want to see the increase to keep their economy and country competitive, and rightfully so, they need to keep their young people going to college," Mendelson said.

Until recently, not many development offices existed at English universities. Established schools such as the London School of Economics, nearly 100 years old, and newer schools such as the University of Kent at Canterbury, 25 years old, both have sophisticated marketing programs in place, Mendelson said.

What better way to tell prospective students about what she calls the "cutting-edge research" being done at Kent?

With the dearth of university students, the English now find "more of a need to have people understand why their sons and daughters should go on to a university," Mendelson said.

"They really wanted me—and it made me quite honored," Mendelson said.

Fulbright applicants must submit a form, recommendations, letters to invitation and a proposal—Mendelson was asked to prepare one based on contemporary issues of higher education in the United Kingdom—to the Council for the International Exchange of Scholars.

The CIES then makes recommendations to the Fulbright Commission in London. Mendelson said the two universities that sought her, located about 60 miles apart, will serve as her base of operations.

Mendelson describes both colleges as having active public relations offices. The London School of Economics hopes to combine its PR, alumni and development offices into a single office under the auspices of "advancement."

Kent has learned enough in its dealings with the public to target its student prospectus to specific audiences. European students—who are generally historically minded—receive a publication with a cover that highlights the romance of Canterbury. The cover of the publication sent to the Far East highlights the more technical aspects of the university.

"They have some of the best brochures I've seen anywhere," Mendelson said.

But a university does not live by words alone. It takes a strong fundraising effort and media, community and alumni relations to bring fresh donations to its coffers.

During her stay in England, Mendelson will help Kent with media relations for its silver jubilee.

The London School of Economics is now trying to reach out to areas other than London and North America, its two strongest student bases, Mendelson said.

Whoever assembles the student brochures for the London school may want to mention the fact that four Nobel Prize winners studied here. So did Mick Jagger, though he went on to make his fortune in an area other than economics or political science.

Mendelson did her undergraduate work at Miami University in Oxford, Ohio. She has done graduate work at West Virginia University and Peabody College of Vanderbilt University.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TIME LIMITATION AGREEMENT—S. 419

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed at any time to the consideration of Calendar No. 50, S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation, and it be considered under the following time limitation: 1½ hours on the bill, equally divided and controlled between Senators SIMON and HATCH or their designees, and 30 minutes under the control of Senator HELMS; 1 hour equally divided on a Hatch-Simon first-degree amendment to be considered first; then 1 hour equally divided on a Helms sense-of-the-Senate amendment relating to homosexuals; that no other amendment be in order; that no motions to recommit or to table be in order; that the agreement be in the usual form with respect to the control and division of time; and that following the third reading of the bill, the Senate Committee on the Judiciary be discharged from further consideration of the House companion measure, H.R. 1048; that all after the enacting clause be stricken and the text of S. 419, as amended, if amended, be substituted in lieu thereof; and without any intervening action or debate, the bill be read for the third time and a vote occur on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. There is no objection on this side.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Could we just confer without even putting in a quorum call?

Mr. President, I am obliged to suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Is there objection to the majority leader's request?

Mr. MITCHELL. Mr. President, I want to clarify one point. In the sentence that I read, which I read as: "that no motions to recommit or to

table be in order," I want to make clear that I am talking about the tabling of either amendment and that of course the right is reserved to table the motion to reconsider after enactment of the legislation, if enacted, at the very end. I merely wanted to make clear that clause referred to the amendments.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Hearing none, it is so ordered.

HATE CRIME STATISTICS ACT

Mr. MITCHELL. Mr. President, I have consulted with the Republican leader and I now ask the Chair to lay before the Senate Calendar order No. 50, S. 419.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 419) to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Pursuant to the order, time for debate on S. 419 is limited to 1½ hours equally divided between Senator SIMON and Senator HATCH or their designees, with one-half hour on the bill controlled by Senator HELMS. In addition, there are only two amendments in order to be offered: a Hatch-Simon amendment, with 1 hour equally divided; and a Helms sense-of-the-Senate amendment, also 1 hour equally divided in the usual form. No other amendments, motions to recommit, or motions to table are in order.

Mr. SIMON. Mr. President, I yield myself such time as I may consume.

I am pleased to bring to this body a bill that Senator HATCH and I have worked on for some time that has 58 cosponsors in this body, including both the majority leader and the minority leader. It is a very simple bill. It is a bill that says let us keep track of hate crimes in our society.

We know anecdotally what happens. When something happens at Howard Beach or somewhere else, we read about it and we may draw conclusions that incidents are going up or they are going down, but there is very little solid statistical evidence. We have 11 States that now do collect this data. We are simply saying, let us let the Federal Government collect that data. We are not creating any new crimes. We are not changing the status of the law at all.

I am pleased to say also that the President and the administration are in support of this legislation.

I ask unanimous consent to have printed in the RECORD a letter from the Assistant Attorney General as well as several other letters in support of it from various groups. Assistant Attorney General Carol Crawford has this to say:

This letter expresses the Department of Justice's unqualified support for S. 419.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS.
Washington, DC, July 27, 1989.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This letter expresses the Department of Justice's unqualified support for S. 419, the "Hate Crimes Statistics Act," as reported by the Committee on the Judiciary. While our earlier letter to the committee had endorsed the concept behind the bill, but expressed some reservations regarding the bill itself, those concerns have been addressed. Specifically, the Attorney General has been given sufficient discretion to establish guidelines for the collection of the required data, and the list of crimes in the bill is designed to conform to the updated Uniform Crime Reports.

The Department of Justice, therefore, urges speedy passage of this legislation.

The Office of Management and Budget has advised this Department that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

STATE OF MAINE,
DEPARTMENT OF THE
ATTORNEY GENERAL,
Augusta, ME, July 13, 1989.

Senator PAUL SIMON,
Chairman Subcommittee on the Constitution, U.S. Senate, Washington, DC.

DEAR PAUL: I am writing to inform you that on July 12, 1989, the National Association of Attorneys General unanimously voted in favor of the enclosed resolution supporting your bill, S. 419. In doing so, we concluded that "the efforts of the Attorneys General would be assisted by a hate crimes statistics act which would provide for the collection and publication by the U.S. Department of Justice of information on the frequency and nature of hate-based and bias-related crimes."

As a result, we have urged the Congress to enact legislation such as S. 419 or HR. 1048 in order to collect and publish hate crimes statistics so that all of us might rid this dreaded curse from our land.

Please feel free to distribute this resolution to your colleagues as you continue to deliberate this important issue.

Sincerely,

JAMES E. TIERNEY,
Attorney General.

[Submitted by Attorney General Robert Spire]

(Summer Meeting, July 9-12, 1989, Lake of the Ozarks, MO)

PROPOSED RESOLUTION CONDEMNING HATE-RELATED VIOLENCE AND SUPPORTING A FEDERAL HATE CRIMES REPORTING ACT

Whereas, Attorneys General have witnessed the growth nationwide of hate-based crimes, or crimes that manifest prejudice based, for example, on an individual's race, or religion; and

Whereas, such activities and incidents threaten the mutual civility, shared values and individual respect and undermine the principles upon which this nation was founded; and

Whereas, Attorneys General have an obligation to confront this violence through the enforcement of civil rights and public safety laws which protect citizens' basic human rights; and

Whereas, the efforts of the Attorneys General would be assisted by a hate crimes statistics act which would provide for the collection and publication by the U.S Department of Justice of information on the frequency and nature of hate-based and bias-related crimes; and

Whereas, the enactment of a federal hate crimes statistics act would send a clear message to the victims of such crimes that these offenses are of concern to Attorneys General and other government officials; and

Whereas, the Congress is considering legislation (S. 419 and HR 1048) which would provide for the collection of hate crime statistics;

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) condemns all forms of hate-related or bias-related crime or violence; and

(2) authorizes the Civil Rights Committee to develop model state legislation for investigating and criminally prosecuting cases of hate-related crime; and

(3) encourages Attorneys General to work with nationally recognized civil rights groups which are already addressing these issues; and

(4) supports the collection and publication of data on hate crimes which would assist federal, state, and local officials in determining national and local trends and in developing strategies to deal with hate crimes; and

(5) urges the Congress to enact legislation such as S 419 and HR 1048 or similar bills providing for collection and publication of the hate crimes statistics; and

(6) authorizes its Executive Director and General Counsel to make these views known to the Administration, the Congress and other interested parties.

BACKGROUND STATEMENT

The NAAG Civil Rights Committee has determined that the nationwide phenomenon of hate-based crimes and violence should be the focus of the Committee's first policy resolution. This phenomenon is growing and is of concern to Attorneys General not only because of their existing role in criminal law enforcement but also because of their increasing role in civil rights enforcement. To address this problem, some Attorneys General have developed or expanded state legislation for investigating and criminally prosecuting cases of hate-related crimes and have utilized the resources of many nationally recognized civil rights groups which are addressing these issues.

At the present time there are no records of crimes motivated by hate and prejudice kept at a national level. The legislation which is currently pending in Congress (S419 and HR 1048) would require the United States Attorney General to collect data about crimes which manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity or data on other groups as he may deem appropriate. S 419 was reported out of the Senate Judiciary Committee on May 1 and is on the Senate's calendar. On May 18, the House Subcommittee on Criminal Justice approved HR

1048 as amended. Copies of both bills are attached. The chances for passage are good. Last year the House passed similar legislation; the Senate Judiciary Committee also approved it but the Senate took final action.

The enactment of a federal hate crimes statistics reporting act will be of great assistance to Attorneys General in fighting hate-based crimes. The systematic collection of hate crime statistics will provide Attorneys General with comprehensive information about the national incidence of hate crimes. This information will allow Attorneys General to combat hate crimes more effectively by identifying the frequency, location and other patterns over time of such crimes.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, July 14, 1989.

DEAR SENATOR: I am writing on behalf of the Police Executive Research Forum (PERF), an organization representing big-city police chiefs, whose members collectively deliver services to over 30% of the American public. PERF, along with eight other national law enforcement groups, and the U.S. Department of Justice, actively supports S. 419, better known as the Hate Crime Statistics Act.

The bill would provide for the collection of date by the Attorney General on crimes such as murder, assault and arson, that manifest evidence of bias or prejudice, based on race, religion, sexual orientation or ethnicity. Currently, no such data is kept at the federal level, and only a handful of states keep track of hate crimes, making estimates of the real scope of the problem quite difficult.

The nationwide, systematic collection of hate crime statistics, will provide information on trends, both locally and nationally, that can help law enforcement agencies better predict and prevent prejudicial violence. This kind of data can also help police target limited resources in successful anti-hate violence programs. Equally important, increases awareness of the problem by police officials will lead to an informed public—one of the keys to combatting hate violence. Additionally, the perception that police and the government care about victims of hate violence conveys a message of intolerance toward the perpetrators of hate activity.

Sen. Jesse Helms is expected to either attempt to delete the sexual orientation clause, or add such language to the bill as, "The homosexual movement threatens the strength and the survival of the American family as the basic unit of society." It is our understanding that Senators Hatch-Simon are prepared to offer a second degree amendment stating that "Nothing in this Act promotes or encourages homosexuality." PERF strongly supports the Hatch-Simon second degree amendment and opposes any attempt to delete the sexual orientation clause. A Helms amendment such as the one described above completely contradicts the essence of S. 419—that minority groups should not be singled out and subjected to hateful messages, whether in the form of physical assaults or Senate resolutions.

PERF would like to thank the Senate for its leadership in promoting legislation designed to protect the victims of hate violence. We hope you will vote in favor of S. 419 and the Hatch-Simon amendment, when the Senate considers this legislation.

Sincerely,

DARREL STEPHENS,
Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC.

LIKELY HELMS AMENDMENT TO S. 419 (HATE CRIME STATISTICS ACT)

It is the sense of the Senate that:

(1) The homosexual movement threatens the strength and the survival of the American family as the basic unit of society;

(2) State laws prohibiting sodomy should be enforced;

(3) The federal government should not provide discrimination protections on the basis of "sexual orientation";

(4) School curricula should not condone homosexuality as an acceptable lifestyle in American society.

HATCH-SIMON SECOND DEGREE AMENDMENT

Nothing in this Act promotes or encourages homosexuality.

The Police Executive Research Forum (PERF) strongly supports Hatch-Simon second degree amendment. The probable Helms amendment outlined above completely contradicts the essence of S. 419—that minority groups should not be singled out and subjected to hateful messages. Just as important, the Helms language is neither relevant nor appropriate for inclusion in data collection bill. For more information, contact Karin Schmerler or Dan Feldstein of PERF at (202) 466-7820.

LAW ENFORCEMENT AND CRIMINAL JUSTICE ORGANIZATIONS IN SUPPORT OF THE HATE CRIME STATISTICS ACT OF 1989 (S. 419)

Fraternal Order of Police, contact: Don Cahill, 825-0443 (beeper)

Criminal Justice Statistics Association. Hildy Saizow, 624-8560

International Association of Chiefs of Police, Cheryl Epps, 243-6500

International Brotherhood of Police Officers, Ed Murphy, 371-6644

National Association of Blacks in Criminal Justice, James Eaglin, 633-6344

National Association of Police Organizations, Jules Bernstein, 223-6515

National Black Police Association, Ron Hampton, 457-0563

National Organization of Black Law Enforcement Executives, Arlene Williams, 546-8811

Police Executive Research Forum, Karin Schmerler, 466-7820

Police Foundation, Rae Hamilton, 833-1460

Police Management Association, Mary Sheridan, 833-1460.

AMERICAN JEWISH CONGRESS,
Washington, DC, July 14, 1989.

DEAR SENATOR: On behalf of the American Jewish Congress and its 50,000 members nationwide, I urge you to support the Hate Crimes Statistics Act (S. 419) without weakening amendments when this important legislation is brought to the Senate floor.

The Hate Crime Statistics Act would direct the Department of Justice to collect and publish, for five years, statistics on crimes which manifest prejudice based on race, religion, ethnicity or sexual orientation. The Department of Justice has expressed strong support for the bill. The House of Representatives overwhelmingly passed companion legislation, H.R. 1048, on June 27.

We urge you to oppose a Sense of the Senate Resolution that Senator Jesse Helms will likely propose as an amendment to S. 419. There are indications that Senator Helms will propose the same clearly inappropriate amendment that he was prepared to introduce last Congress if the Hate Crimes Statistics Act had been brought to the floor. The amendment is not relevant to a data collection bill. Its only possible effect could be to indicate to some that violence against homosexuals is somehow less egragious than violence against other groups.

As Senator Hatch stated in co-sponsoring S. 419, "[T]his act is only about Federal data collection." The bill makes clear that it does not create any substantive rights or causes of action. Senator Hatch and Senator Simon will introduce an amendment on the floor stating that "Nothing in this bill promotes or encourages homosexuality." We ask you to support this amendment.

Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

STEVE SILBIGER,
Washington Representative.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, July 14, 1989.

DEAR SENATOR: We write to ask you to support the Hate Crimes Statistics Act (S. 419) when it is considered by the Senate. S. 419 would require the Justice Department to collect statistics on crimes motivated by hatred based on race, religion, sexual orientation or ethnicity of the victim.

Reports by the Anti-Defamation League of the B'nai B'rith and the National Gay and Lesbian Task Force reveal an alarming increase in hate motivated crimes. To date, there is no comprehensive federal mechanism for determining the scope of hate motivated crimes. This legislation has the support of the President as well as a broad collection of religious, civil rights, civil liberties and law enforcement organizations as well as support from the Department of Justice.

We understand that Senator Helms will offer an amendment directed at the fact that the bill authorizes the collection of crimes committed against gays and lesbians. We believe the Helms amendment is unnecessary and controversial.

Senator Simon and Senator Hatch will be offering an amendment to S. 419 which provides that Congress does not promote or encourage a particular type of sexual conduct. The Simon/Hatch amendment makes it clear that S. 419 does no more than authorize the collection of statistics.

We urge you to support the Hate Crimes Statistics Act, to reject the amendment offered by Senator Helms and to support the amendment offered by Senator Simon and Senator Hatch.

Very truly yours,

MORTON HALPERIN,
Director.

DIANN Y. RUST-TIERNEY,
Legislative Counsel.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, July 14, 1989.

DEAR SENATOR: The American Jewish Committee urges you to support S. 419, the Hate Crime Statistics Act. The bill would require the collection and publication of data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity.

The Act is an important measure in the battle to eradicate bias-motivated violence. Such violence is on the increase, with crimes being committed by the Klan, Skinheads, and other neo-Nazi groups. It is imperative that each of the listed categories—race, religion, sexual orientation, and ethnicity—be included in the bill. Also, the act must be adequately funded so that the Attorney

General's office, and the law enforcement officials upon which that office will rely, will have available the resources necessary to make the Act meaningful.

The bill has bi-partisan support, and was recently endorsed by the Justice Department. We urge that the Senate pass S. 419, without weakening or irrelevant amendments, as an important step in the battle to end bias-motivated violence. There should be no exception to the principle that violence directed against an individual merely because of his or her identity must be condemned.

Sincerely,

SHOLOM D. COMAY,
President.

THE HATE CRIME STATISTICS ACT—SENATE BRIEFING PAPER

Bill Summary: The Hate Crimes Statistics Act directs the Department of Justice to compile and publish data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity for the calendar year 1990 and each of the succeeding four calendar years. The categories of crime for which the data will be collected include homicide, rape, assault, arson, vandalism, intimidation, and other such threats the Attorney General considers appropriate.

Significance: Bias motivated attacks against certain groups of Americans have become alarmingly frequent. In 1986, the Anti-Defamation League reported 906 anti-Semitic incidents. By 1988, that number grew to 1,281. In 1985, the Gay and Lesbian Task Force reported 2,042 incidents of sexually oriented bias crimes. Just one year later, the number had more than doubled to 4,946. In spite of the sharp increase in the number of crimes, no comprehensive, accurate, and up-to-date statistics are kept on the national incidence of these crimes.

Action in Congress: In the 100th Congress, H.R. 3194 overwhelmingly passed the House of Representatives in May 1988, by a vote of 383-29. S. 702 was approved by the Senate Judiciary Committee, unanimously, in August 1988, and was pending floor action when the Senate adjourned at the end of the 100th Congress. H.R. 1048 was introduced in the 101st Congress on February 22, 1989, and passed the House Judiciary Committee by a vote of 33-1. The full House passed the bill 368-47. S. 419 was approved by the Senate Judiciary Committee without dissent, on March 9, 1989. A floor vote is expected by the end of July.

Sponsor: Paul Simon (D-IL) Co-sponsors (48 as of 7-14-89); Adams (D-Wa), Bentsen (D-TX), Biden (D-DE), Bingaman (D-NM), Boschwitz (R-MN), Bradley (D-NJ), Breaux (D-LA), Burdick, (D-ND), Chafee (R-RI), Cohen (R-ME), Conrad (D-ND), Cranston (D-CA), D'Amato (R-NY), Daschle (D-SD), Dixon (D-IL), Dodd (D-CT), Durenberger (R-MN), Glenn, (D-OH), Gore (D-TN), Gorton (R-WA), Graham (D-FL), Gramm (R-TX), Harkin (D-IA), Hatch (R-UT), Hatfield (R-OR), Heinz (R-PA), Inouye (D-HI), Jeffords (R-VT), Kassebaum (R-KS), Kennedy (D-MA), Kerry (D-MA), Kohl (D-WI), Lautenberg (D-NJ), Levin (D-MI), Lieberman (D-CT), Matsunaga (D-HI), Metzenbaum (D-OH), Mikulski (D-MD), Mitchell (D-ME), Packwood (R-OR), Pell (D-RI), Riegle (D-MI), Sanford (D-NC), Sarbanes (D-MD), Simon (D-IL), Simpson (R-WY), Specter (R-PA), Wirth (D-CO)

The Hate Crimes Statistics Act has been strongly endorsed by the U.S. Justice Department, the National Association of Attorneys General, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Black Police Association, the Police Foundation, Police Executive Research Forum, and over forty civil rights and professional organizations.

NATIONAL GAY & LESBIAN TASK FORCE,
Washington, DC, July 14, 1989.

DEAR SENATOR: I urge you to support S. 419, the Hate Crime Statistics Act and to oppose an attempt by Senator Jesse Helms to add an amendment that would cripple this vital legislation.

As you know, the Hate Crime Statistics Act is legislation designed to provide for the collection of data on crimes motivated by prejudice based on race, religion, sexual orientation or ethnicity. We expect Senator Helms to paint this simple act as a gay rights bill by offering a "Sense of the Senate" amendment which would state:

Homosexuals threaten the American family;

Sodomy laws should be enforced;

The federal government should not enact discrimination protections based on sexual orientation;

School curricula should not condone homosexuality as an acceptable lifestyle in American society.

Senator Helms' amendment would stir up the kind of anti-gay sentiment that leads to violence against lesbian and gay people. Support for this amendment sends a signal that homosexuals are a threat to society and should be treated as such. It is hypocritical, on the one hand, to support a bill to collect data based on anti-gay violence and then call the homosexual community a threat to society.

This legislation will not further the cause of civil rights for lesbian and gay people. In fact, the text of this bill specifically says: "Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation."

The Helms amendment will create more hostility toward gay people. Support a clean Hate Crime Statistics Act! Oppose the Helms amendment and send to the Department of Justice a bill that makes a clear statement about the problem of escalating hate violence in America.

Sincerely,

JEFFREY LEVI,
Executive Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, July 14, 1989.

DEAR SENATOR: We are writing to express our concern about the growing number of hate-motivated crimes. The hate crime is any assault—intimidation or harrasment—that is due to the victim's race, religion, sexual orientation or ethnic background. Statistics compiled by the Anti-Defamation League of B'nai B'rith and the National Gay and Lesbian Task force show that such crimes are increasing at an alarming rate.

In light of this information, we urge you to support the Hate Crimes Statistics Act (S. 419). This legislation would require the Attorney General to collect data on these crimes for the first time. At the present time, the federal government has no comprehensive way in which to determine the number of crimes based on hate.

Although this bill has the support of many different groups including religious, civil rights, and civil liberties organizations, as well as the Department of Justice, there are those who oppose the legislation. We believe that Senator Helms is posed to offer an amendment which finds fault with the collection of statistics on crimes committed against gays and lesbians. This would hinder the effectiveness of the legislation, and is extremely unnecessary.

Senators Simon and Hatch will offer an amendment to the bill which makes clear that S. 419 only allows for the collection of statistics; in no way does it promote or encourage any type of sexual activity or orientation.

Please support the Hate Crimes Statistics Act and the Simon/Hatch amendment, while at the same time rejecting the Helms amendment.

We thank you for your support.

Sincerely,

RABBI LYNNE LANDSBERG,
Associate Director.

NATIONAL GAY RIGHTS ADVOCATES,
San Francisco, CA.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I urge you to oppose attempts by Senator Jesse Helms to cripple S. 419, the Hate Crime Statistics Act.

The Hate Crime Statistics Act is a simple bill designed only for the purpose of collecting data on crimes motivated by prejudice based on race, religion, sexual orientation or ethnicity. The legislation does nothing to further the cause of civil rights for lesbian and gay people. It does, however, send a signal to the nation that Congress is serious about battling violence against all Americans—including lesbian and gay Americans.

Senator Helms is trying to add to the bill a "Sense of the Senate" amendment which states:

Homosexuals threaten the American family;

Sodomy laws should be enforced;

The Federal government should not enact discrimination protections based on sexual orientation;

School curricula should not condone homosexuality as an acceptable lifestyle in American society.

Senator Helms wants to turn the Hate Crime Statistics Act into an anti-gay diatribe. His "Sense of the Senate" amendment would stir up the kind of anti-gay sentiment that leads to violence against lesbian and gay people. Support for this amendment sends a signal to those who commit hate crimes that homosexuals are a threat to society and should be handled as such.

One cannot support the Hate Crime Statistics Act while at the same time categorizing an entire group of people as a "threat."

Support the Hate Crime Statistics Act and oppose the Helms amendment.

Sincerely,

CYNTHIA G. GOLDSTEIN, Esq.
Director,
Anti-Violence Litigation Project.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, July 18, 1989.

DEAR SENATOR: The Leadership Conference on Civil rights, a coalition of more than 180 national organizations, representing minorities, women, persons with disabilities, older Americans, labor, and the major religious groups strongly supports enactment of the Hate Crimes Statistics Act, S. 419. We urge you to support the Hate Crimes Statistics Act because we believe that its enactment will allow the nation to begin to address the apparent increase in

violent crimes motivated by racism, anti-semitism and other forms of bigotry.

American history is rife with crimes of hate against minorities. Lynchings, cross burnings and bombings have unfortunately been experienced by many Americans as they have struggled for freedom. Furthermore, incidents in Detroit, Michigan, Howard Beach, New York, and Forseyth County, Georgia, as well as the alarming instances of racial assaults on minority students on college campuses across the country speak loudly for enactment of this legislation.

All Americans are entitled to live free of the fear of intimidation and violence because of the color of their skin, their religious beliefs, their sexual orientation or their ethnicity. We urge you to support the Hate Crimes Statistics Act and oppose any amendments which frustrate the simple mission of this legislation: the collection of statistics on crimes motivated by prejudice and bigotry.

Sincerely,

BEN HOOKS,
Chairperson.
RALPH NEAS,
Executive Director.

LAMBDA LEGEL DEFENSE AND EDUCATION FUND, INC.,
New York, NY, July 13, 1989.

DEAR SENATE MEMBER: On behalf of Lambda Legal Defense and Education Fund and the millions of Americans for whom it speaks, I strongly urge you to oppose attempts by Senator Jesse Helms to cripple S. 419, the Hate Crime Statistics Act.

The Hate Crime Statistics Act directs the Department of Justice to collect data on crimes motivated by prejudice based on race, religion, sexual orientation or ethnicity. The bill does not advocate any particular way of life or point of view, or condone any specific pattern of conduct. The bill does, however, send a clear message to the nation that violence arising from irrational prejudice is wrong, including criminal acts against gay and lesbian Americans.

Senator Helms apparently intends to add to the bill a "Sense of the Senate" amendment that would assert, among other things, the following:

That sexual orientation diversity threatens the family community;

That sodomy laws should be enforced;

That the federal government should not enact discrimination protection based on sexual orientation; and

That school curricula should not condone sexual orientation diversity as acceptable social choices.

Such a declaration would transform the Hate Crime Statistics Act into an anti-gay diatribe. By doing so, it would actually foster and incite the kind of violence the bill is designed to deter, thus undermining the basic purpose of the legislation.

We respectfully request that you resist this and any similar efforts to dilute the Hate Crime bill.

Very truly yours,

THOMAS B. STODDARD,
Executive Director.

PEOPLE FOR THE AMERICAN WAY ACTION FUND,
Washington, DC, July 19, 1989.

DEAR SENATOR: In the next several days, the Senate is likely to consider the Hate Crime Statistics Act, S. 419, which directs the Department of Justice to collect and publish data on crimes which manifest prejudice based on race, religion, ethnicity or sexual orientation.

The Hate Crimes Statistics Act enjoys wide support: it has over 50 Senate cosponsors, the Judiciary Committee passed it unanimously in March, the House of Representatives voted 368-47 in favor of it on June 27th, the National Association of Attorneys General unanimously passed as resolution calling for its passage, and President Bush publicly announced the Administration's endorsement during the celebration of the Civil Rights Act's 25th anniversary.

According to several public interest groups which monitor hate crimes, the 1980's have witnessed an alarming growth in prejudice-motivated violence nationwide. It is important to document that cross burnings are more than "arson" and that swastikas painted on synagogues are more than "vandalism." This kind of violence intimidates and harasses the whole group with whom the victim is identified. By documenting the nature and scope of these crimes, the Hate Crimes Statistics Act will facilitate the efforts of law enforcement officials to combat the lawlessness and intolerance practiced by hate criminals.

According to the Wall Street Journal of July 14, 1989, "an aide to Mr. Helms says he hasn't yet decided whether to try to kill the legislation again." It is possible that Senator Helms may offer anti-gay amendments, including an amendment to delete from data collection crimes against homosexuals. Such an amendment would severely undermine the intent of the bill, which is to provide a full review of crimes motivated by prejudice and bigotry. Furthermore, a study sponsored by the National Institute of Justice in 1987 reported that, "the most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims."

We urge your support for the Hate Crimes Statistics Act without weakening amendments.

Sincerely,

ARTHUR J. KROPP,
President.
JOHN H. BUCHANAN, Jr.,
Chairman.

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH,
Washington, DC, July 18, 1989.

DEAR SENATOR: We are writing to urge you to support without amendment S. 419, the Hate Crimes Statistics Act, as approved by the Judiciary Committee when it comes to the Senate floor. This legislation would direct the United States Attorney General to acquire data about crimes "that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity."

We believe that law enforcement officials and government and community leaders will be in a position to confront bias-related crimes in the most effective fashion only when the scope of the problem is known. To date, both local and national responses to hate crimes have been severely impeded by the lack of comprehensive, comparative statistical data concerning the number, location, and types of hate-motivated criminal activity.

In January, the Anti-Defamation League released its annual Audit of Anti-Semitic Incidents for 1988. The report indicated that anti-Semitic incidents reached their highest level in the last five years. The audit revealed an increase of 18.5 percent in anti-Jewish vandalism, including arson, bombings and swastika daubings, and a 41 percent increase in harassment, threats and assaults against Jews, Jewish institutions, or property over the figures for 1987.

We believe the Hate Crimes Statistics Act is an important part of a long-range approach to combatting hate crimes and would urge your support for this measure.

Sincerely,

JESSE N. HORDES,
Washington Representative.
MICHAEL LIEBERMAN,
Associate Director/Counsel.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, July 18, 1989.

DEAR SENATOR: The NAACP enthusiastically endorses S. 419, a bill to require the Attorney General to collect data and report annually about hate crimes, on behalf of the Association's half-million members in fifty states and the District of Columbia. We applaud the leadership of Sen. Paul Simon and the fifty-two (52) cosponsors in the Senate and urge the Senate to pass S. 419 without any weakening amendments.

Crimes motivated by racial, ethnic, sexual preference or religious bias are pervasive. Yet, there exists no national comprehensive, current, accurate bank of statistics. At present, hate crime statistics are compiled by organizations such as the Southern Poverty Law Center and the Anti-Defamation League of B'nai B'rith, who have reported that more crimes have been committed by right-wing extremists groups from 1984 to 1988 than in the past twenty years.

S. 419 would enable the Attorney General to collect data about crimes that manifest prejudice based on race, religion, sexual orientation or ethnicity. Hate crime statistics compiled by the Attorney General would aid law enforcement authorities in tracking the extent and frequency of hate crimes.

S. 419 would remedy the problem of the lack of national comprehensive statistics on hate crimes in this county. We urge you to support this legislation.

Sincerely yours,

ALTHEA T. L. SIMMONS,
Director/Chief Lobbyist.

Mr. SIMON. The groups that are in favor of this encompass the whole civil rights community: the Antidefamation League of B'nai B'rith, the American Jewish Congress, a number of American Catholic and Protestant groups, American-Arab Anti-Discrimination Committee, People for the American Way, NAACP, the Police Executive Research Forum, and law enforcement groups generally, the ACLU, the Gay and Lesbian Task Force, Human Rights Campaign Fund, Organization of Chinese-Americans, National Association of State Attorneys General, and a great many others.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the organizations supporting this legislation.

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

ORGANIZATIONS SUPPORTING THE HATE CRIMES STATISTICS ACT

American-Arab Anti-Discrimination Committee.

American Association of University Women.
American Bar Association.
American Baptist Church.
American Civil Liberties Union.
American Ethical Union.
American Jewish Committee.
American Jewish Congress.
American Medical Student Association.
American Nurses Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
American Sociological Association.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Asian Americans for Community Involvement.
Asian Americans for Equality.
Asian American Resource Workshop.
Asian Community Mental Health Services.
Asian Pacific American Coalition, U.S.A.
Center of Constitutional Rights.
Center for Democratic Renewal.
Center for Women's Policy Studies.
Chicago Catholic Women.
Chinese/Affirmative Action.
Church of the Brethren, Washington Office.
Church Women United, Washington Office.
Criminal Justice Statistics Association.
Episcopal Church, Washington Office.
Federation of Parents and Friends of Lesbians and Gays, Inc.
Human Rights Campaign Fund.
Indochina Resource Action Center.
Japanese Americans Citizens' League.
Jesuit Social Ministries, National Office.
Lambda Legal Defense and Education Fund.
Latino Institute.
Leadership Conference on Civil Rights.

EXECUTIVE COMMITTEE

International Union of United Auto Workers.
National Council of Churches.
National Council of Senior Citizens.
National Catholic Council for Interracial Justice.
National Education Association.
American Civil Liberties Union.
National Council of Negro Women.
National Urban League.
NAACP Legal Defense and Education Fund.
United Steelworkers of America.
National Women's Political Caucus.
League of Women Voters of the U.S.
People For the American Way Action Fund.
Union of American Hebrew Congregations.
National Organization for Women.
Disability Rights Education and Defense Fund.
AFL-CIO.
National Council of La Raza.
Lutheran Office for Governmental Affairs.
Mexican American Legal Defense and Education Fund.
National Association for the Advancement of Colored People, Washington Bureau.
National Association of Blacks in Criminal Justice.
National Association of Social Workers.
National Black Police Officers Association.
National Coalition of American Nuns.
National Committee Against Repressive Legislation.
National Conference of Black Lawyers.
National Conference of Christians and Jews, Nat'l Capital Area
National Council of Churches.
National Gay and Lesbian Task Force.
National Gay Rights Advocates.
National Institute Against Prejudice and Violence.
National Lawyers Guild.
National Organization for Women.
National Organizations for Black Law Enforcement Executives.
National Urban League.
NETWORK: A Catholic Social Justice Lobby.
New Jersey Lesbian & Gay Coalition.
North Carolinians Against Racist and Religious Violence.
Pacific/Asian American Mental Health Research Center.
People For the American Way Action Fund.
People's Institute For Survival and Beyond.
Police Exeucitve Research Forum.
Police Foundation.
Presbyterian Church USA, Washington Office.
Religious Action Center of Reform Judaism.
Society for the Psychological Study of Social Issues.
Southern Poverty Law Center.
Sunny von Bulow National Victim Advocacy Center.
Union of American Hebrew Congregations.
United Church of Christ, Office of Church in Society.
United Methodist Church, General Board of Church and Society.
Unitarian/Universalist Association of Congregations in North America.

Mr. SIMON. Mr. President, we have periodically a variety of things happen. In July of this past year, down in North Carolina, a young man was killed who happened to be Chinese by background. The people that killed him thought he was Vietnamese. They were out to get someone who was Vietnamese. We see this in terms of a variety of things.

The group that has kept the best statistics in this whole field is the Anti-Defamation League of the B'nai B'rith. They report a rising tide of antisemitic activity. It is the only solid statistical evidence we have in the Nation.

Let me just read one example. In May 1989 in La Verne, CA, four skinheads, three men and a woman, assaulted a young Iranian, his wife and newborn infant. The victims were not Jewish, but they were clearly thought to be so by their assailants. They were subjected to racial slurs and insults such as "Jewish niggers" and then, in spite of pleas to be left alone, they were beaten to the ground and kicked. A black man witnessing the attack came to their aid and was himself attacked by the four skinheads.

We just have too many of these things.

Now, the question is: Is this poison of racism against groups, is it rising or is it falling? There is some evidence that it is rising. But we ought to know. And if we know from solid evidence that it is rising, then we can deal with this sickness. The National Gay and Lesbian Task Force indicates that reported antigay incidents ranging from harassment to homicide were up in 1988 to a total of 7,248 incidents. We do not have the 1989 statistics yet.

It is interesting that there is a broad spectrum of support for this legislation.

Mr. President, you and I served in the House with my Illinois colleague, Congressman HENRY HYDE, who is a strong supporter of this. The area that is most controversial of this bill that frankly I do not think should be controversial is whether we include gay and lesbian groups here. HENRY HYDE, in the House Judiciary Committee said, "I don't think one is sanctifying or legitimizing or approving a lifestyle that is offensive to him, and I must say to me. I think there is gay bashing. I think it is violence. I think we ought to not treat it as a lesser offense than going out and beating up a black kid because he is black and a white kid because he is white. I think that is the reality."

We are not changing the status of the law, and in an amendment that Senator HATCH and I will be introducing shortly, we make that very clear.

The 12 States that now do have these statistics are Maryland, Pennsylvania, Connecticut, Illinois, Minnesota, Virginia, Oklahoma, New Jersey, Idaho, Florida, New York, and Oregon.

We had testimony from the police in terms of the problems in keeping track of these kind of statistics and there are no major problems.

Here is a July 14, 1989, Wall Street Journal article that I ask unanimous consent to have printed in the RECORD. The heading is "Hate Crimes Increase and Become More Violent."

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

HATE CRIMES INCREASE AND BECOME MORE VIOLENT; U.S. PROSECUTORS FOCUS ON "SKINHEAD" MOVEMENT

(By Paul M. Barrett)

Late in the evening of March 18, two young men put up a wooden cross in front of Aline Burkett's house in Portsmouth, Va., and set it aflame. One man wrote a note that said "Niger [sic] go home," attached it to a rock and threw it through Mrs. Burkett's window.

Those are the allegations in the indictment last month of Jason Edward Combs and Tony Ray Riddle for harassing Mrs. Burkett because she is black. More than 12 decades after the end of the Civil War, the number of prosecutions for such attacks is increasing, according to federal prosecutors.

Despite dwindling ranks in some traditional racist groups, such as the Ku Klux Klan, hate crimes—those intended to intimidate individuals and groups because of their race, religion or sexual preference—are increasing in number and in degree of violence, according to a recent report commissioned by the Justice Department.

Consider some examples from last year compiled by private advocacy groups:

In July, pipe-wielding "skinheads" screaming "Kill the faggot!" attacked a gay man in Laguna Beach, Calif., and beat him unconscious.

In November, three young skinheads confronted an Ethiopian immigrant in front of his apartment building in Portland, Ore. They clubbed him to death with a baseball bat.

In September, two teen-agers spray-painted 15 swastikas on the walls of the Congregation Rabbinical Institute Sharai Torah in Brooklyn, N.Y. The vandals ripped and burned six sacred Torah scrolls and then set fire to the building, which sustained heavy damage.

Overall, the Anti-Defamation League of B'nai B'rith reports that 1988 saw "the highest number of anti-Semitic incidents reported in more than five years": 823 episodes of vandalism and desecration and 458 threats and physical attacks against Jewish people.

The National Gay and Lesbian Task Force says reported anti-gay incidents, ranging from harassment to homicide, were up slightly in 1988, to a total of 7,248. Both the Anti-Defamation League and the task force emphasize that hundreds, possibly thousands, of hate crimes aren't classified as such by police, or go unreported altogether.

Prosecutors and advocacy groups say they aren't sure why hate crime is growing. Tentative explanations include the expansion of youthful "white power" groups and the belief among some working-class whites that blacks and other minorities have been given unfair advantages by government affirmative-action programs. Another theory is that the greater visibility of gay people has provoked more homphobic attacks.

The Justice Department report, written by Abt Associates Inc., a Cambridge, Mass., consulting firm, also suggests that hate crime may be growing in part because of a "perceived decrease in government efforts to prevent discrimination in education, housing and employment."

Some civil-rights advocates agree, blaming former President Reagan and former Attorney General Edwin Meese III for helping create an atmosphere in which hate crimes were likely to flourish. As a result of the Reagan-Meese offensive against municipal affirmative-action plans, "one would think the white male had become the primary victim of discrimination in this country," charges Ralph Neas, executive director of the Leadership Conference on Civil Rights.

In an effort to reduce this hostility among civil-rights advocates, Attorney General Dick Thornburgh has vowed loudly and often to make hate crime prosecutions a top priority. From Jan. 1 through May 31, federal prosecutors brought 17 prosecutions for racial violence by organized hate groups, more than the total brought in any previous full year.

But as the department itself concedes, a major obstacle to battling violent bigotry is that no one, including the department, collects comprehensive statistics on the number of victims and locations of criminal groups. One reason is that, in many cases, racial or religious "motivation [on the part of a criminal] is a very hard thing to determine for the cop on the beat," explains James Turner, acting chief of the Justice Department's Civil Rights Division.

"Without this information, many questions remain unanswered," including whether hate-related violence is more prevalent in certain areas and whether certain groups are more frequently attacked, says Sen. Paul Simon (D., Ill.). To fill the knowledge gap, he has co-sponsored legislation to direct the attorney general for the first time to compile information on hate crimes. The House has already passed a similar bill.

Almost identical legislation died last year when Sen. Jesse Helms (R., N.C.) successfully blocked the inclusion of anti-gay crimes in the bill. An aide to Mr. Helms says he hasn't yet decided whether to try to kill the legislation again.

The Bush administration backs the legislation, and Mr. Thornburgh has recently stressed his concern about the issue. In a speech last month before Operation PUSH, Jesse Jackson's Chicago civil-rights organization, Mr. Thornburgh decried "the shocking re-emergence of hate-group violence" and promised to track down members of such groups "no matter what."

Meanwhile federal prosecutors say they are training their sights on the growing skinhead movement, whose members typically sport shaved heads, black storm-trooper boots and other neo-Nazi regalia. Many skinheads, who are concentrated in the South and West, combine virulent racism with hatred of Jews and homosexuals.

An imitation of the style of British "white power" advocates, the skinhead look is popular with some U.S. teen-agers who aren't involved in criminal activity. But the Anti-Defamation League, which has closely tracked the movement, reports that some 3,000 skinheads belonging to explicitly racist organizations now operate in 31 states. That is up from 2,000 operating in 21 states a year ago, says Jess Hordes, director of the league's Washington office.

Traditional racist groups, including the Klan and the White Aryan Resistance, are recruiting teen-age skinheads to fill out their own thinning ranks, according to the Anti-Defamation League. "The skinheads are the new troops for the older-line groups," says Mr. Hordes. In Dallas, the Justice Department has launched its first grand-jury investigation of alleged civil rights violations by members of a white supremacist skinhead group, the Confederate Hammer Skins.

In some cases, increased acceptance of minorities may have the ironic effect of prompting a new wave of violence against them, according to Kevin Berrill, director of the Anti-Violence Project of the National Gay & Lesbian Task Force. "Gays are more visible, and therefore more vulnerable," he says. "In New York and San Francisco, there is the most acceptance," he notes, "and also the most violence" against gays and lesbians.

Mr. SIMON. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial from the Chicago Sun-Times, "More Data Needed on Hate Crimes."

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

[From the Chicago Sun-Times, July 24, 1989]

MORE DATA NEEDED ON "HATE" CRIMES

A recent report commissioned by the U.S. Justice Department shows that "hate" crimes are increasing in number and in degree of violence.

Of special concern to us are the increase in the number of incidents and the recent tendency of "hate" organizations to join forces to intimidate individuals and groups because of their race, religion or sexual preference.

In response, Attorney General Dick Thornburgh has vowed to make prosecuting hate crimes a top priority. But because the FBI and other government agencies don't categorize crimes according to racial or ethnic motives, official figures are unavailable and official response is thereby hindered.

That's why we support legislation co-sponsored by Sen. Paul Simon (D-Ill.) that directs the attorney general to compile information on hate crimes, even though we recognize the difficulty in determining the motivation for a crime in many cases.

Without this information, many questions remain unanswered, such as whether hate-related violence is more prevalent in certain parts of the country, whether certain groups are more frequently attacked and whether the attacks we read about are isolated events or symptoms of a more pervasive problem.

The Justice Department admits that a major obstacle to battling violent bigotry is that no one, including the department, collects comprehensive statistics on the number of victims and locations of criminal groups.

That job has fallen to private advocacy groups, such as the Anti-Defamation League of B'nai B'rith, which reports that incidents of anti-Semitic behavior in 1988 rose to a five-year high, and Klanwatch of the Southern Poverty Law Center, which tracks the activities of white supremacist groups and which reported that white supermacist violence appeared to surge in 1988.

Collecting the date will not erase bigotry, as Sen. Simon acknowledges. But exposure is the first step in prevention and reform.

Mr. SIMON. Part of this bill is that the Attorney General will then report annually about what had happened. It is not a bill that is going to cost very much money. The CBO estimate is that it would cost somewhere between $1 million and $10 million to collect this information.

I think it is extremely important to the Nation that we do collect this information.

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

The PRESIDING OFFICER (Mr. KERREY). The Senator from Utah.

Mr. HATCH. Mr. President, I urge my colleagues to enact S. 419, the Hate Crime Statistics Act. This act requires the Attorney General to acquire data for the next 5 calendar years about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson and destruction, damage or vandalism of property.

Under the act, the attorney general must establish guidelines for the collection of these data to ensure that the incidents reported truly reflect prejudice based on the characteristics delineated in the bill.

This bill is virtually identical to one which was reported favorably by the Judiciary Committee on a voice vote, August 10, 1988. In this Congress, the Judiciary Committee reported the bill favorably by unanimous voice vote on March 9, 1989.

I stress that this act is only about Federal data collection. It creates no substantive rights or causes of action, as made clear by section (b)(3). Moreover, it does not direct any State or local government or police agency to take any particular enforcement action. I hope, however, that the data collected under the act will be useful to State and local law enforcement agencies in deploying their resources and addressing hate crimes in their jurisdictions.

Mr. President, this act will serve a vital purpose. While the Federal Bureau of Investigation, through its Uniform Crime Reporting [UCR] Program, keeps and collects national crime statistics, there is no Federal recordkeeping concerning the occurrence of hate crimes.

Hate crimes are among the most heinous of all crimes because they strike so deeply at their victims' individuality and self-esteem. Differences in the race, religion, and ethnicity of our citizens should be a source of national strength, cultural diversity, and celebration of our Nation's pluralism. Hate crimes represent a particular threat to the fabric of our free society because they use characteristics such as race, religion, and ethnicity to foster a sense of division and fear among citizens.

For persons who are members of minority groups with a history of mistreatment or persecution, these crimes understandably create anxiety, unease, and concern about the security of their place as Americans in their own land or as persons striving to become citizens. Emotional and psychological scars can result from these crimes. For Jewish people, who have suffered terribly from persecution, the desecration, vandalism, burning of synagogues and stores, defacing of cemeteries and property with Swastikas and Nazi slogans, and physical intimidation are horrible reminders of such persecution and the bigotry they still must sometimes face. For black Americans, who have endured slavery, lynchings, Jim Crow laws, and continuing discrimination, and for other racial and ethnic minorities with a history of ill treatment and discrimination by others, physical violence because of their race or ethnicity is a particularly brutal manifestation of hatred. For Catholics, who have faced religious prejudice, a cross-burning is an act meant to deny the legitimacy of their faith. All of these crimes are intended to deny persons a sense of their own worth and their place in their native or adopted land.

Such crimes must never be tolerated. The Federal Government can help by compiling reliable data on the incidence of hate crimes. Through the use of such data, law enforcement agencies can better address—and seek to prevent—these crimes in their communities. We currently have no uniform method of determining if these crimes are on the rise and where they are taking place. This bill is aimed at rectifying that information gap.

We do know that hate crimes occur across our country. Not long ago, a black teenager was killed in Howard Beach, NY, in a crime of racial hatred. Recently, a similar incident occurred in the Bensonhurst section of New York City. In July 1987, a black woman in San Jose, CA, was terrorized by white supremacists making racial threats. These hate mongers also denied her access to a public park. During the winter of 1982-83, the White Knights of Liberty conducted nighttime cross burnings in front of interracial couples in North Carolina. In February 1982, a member of the Social Nationalist Aryan People's party murdered two blacks and a white person he erroneously believed to be a Jewish professor and seriously wounded a fourth person at Cleveland State University in Cleveland, OH. In 1981, members of the United Klans of America murdered a black teenager in Mobile, AL. In 1980, a former member of the American Nazi Party murdered two black men jogging with two white women in Salt Lake City, UT, in a sniper attack. This same individual was later also convicted of the 1977 bombing of a synagogue in Chattanooga, TN.

Crimes of violence and vandalism have also been directed against Asian immigrants.

Several years ago, a Chinese-American was chased through the streets of Detroit by a white man and his stepson after a dispute at a nightclub. The two whites were upset about the impact of Japanese car imports on American jobs and beat the Chinese-American to death with a baseball bat.

On September 17, 1988, on the Jewish Sabbath, two teenage boys desecrated a Brooklyn, NY, synagogue. Swastikas were sprayed on the walls. Six precious Torah scrolls were ripped and burned, and the synagogue itself suffered heavy damage from fire.

Last year, the Yeshiva High School in Doraville, GA, was vandalized and spray-painted with anti-Semitic and racist slogans, such as: "Niggers and Jews, we're coming for you!"

This just cannot be allowed any more in our society. We need to know how widespread this is so the people in our country will get outraged by it. It is outrageous.

Just a short while ago, during the Jewish Festival of Lights, a holiday celebrating a miraculous victory by the Jews over their oppressors, hate-filled vandals ransacked a Jewish secondary school near Silver Spring, MD.

According to the Anti-Defamation League of B'nai B'rith in its 1989 audit of anti-Semitic incidents, during 1989, 845 episodes of vandalism and desecration, and 587 acts of harassment, threat, and assault against Jewish individuals, their property and their institutions were reported to the ADL from 44 States and the District of Columbia. The combined total of 1,432 was the highest number of anti-Semitic incidents ever reported in the 11-year history of the audit. The 1989 vandalism figure represents the third straight year of substantial increase in anti-Semitic vandalism after a general 4-year downward trend.

In the mid-1980's, Hispanic residents of Cedartown, GA, were subjected to violence because of their ethnicity and resentment about the jobs they were taking in the community. The cars owned by Hispanics were rammed by Klansmen in pickup trucks. The trailers and homes of Hispanic workers were shot at in the evening hours.

Some hate groups, loosely connected to each other, operate in all parts of the country. Neo-Nazi "skinheads" or "skins" are youthful gangs which spout neo-Nazi rhetoric and preach hatred and violence toward blacks, Hispanics, Jews, Asians, and homosexuals. These hate groups can be found all over the Nation, particularly in the Pacific Northwest, the Southwest, the Midwest, and the Southeast. Other white supremacists groups similarly operate in more than one region of the country. Just take a look at, "Hate Groups in America, Anti-Defamation League of B'nai B'rith (1988)."

The May 18, 1989, Washington Times had an article entitled "Skinheads Linked to Gay Bashing Sprees in Rochester." The article said:

> A loose-knit gang of teenagers from affluent families may have been responsible for as many as two dozen gay bashing attacks in a city park since last summer, police say.
>
> The youths, calling themselves the Buffalo Rochester Aryan Skinheads, or BRASH, live with their parents in expensive suburbs or wealthy sections of the city, authorities said.
>
> They're also apparently proud of their group, Deputy Police Chief Terrence Rickard said.
>
> "We didn't even know this group existed until we arrested them and they told us who they were," Chief Rickard said. * * * He said he knew that Skinhead groups had been causing trouble on the west coast, but was very surprised to find one in Rochester." Eight teenagers, ranging in age from 16 to 19, were arrested and charged with beating a 30-year-old man.
>
> Police found out about the attacks only within the past few months, he said, because homosexuals traditionally have been reluctant to report such incidents.
>
> In his statement to police, one of the group's leaders, a 16 year old, said "basical-

ly, what we believe is that we do not like blacks or homosexuals."

Another 16 year old in the group, told police, "gay bashing is when we lure a gay guy into our path and jump him. Sometimes his wallet gets stolen, but most of the time we just beat him up real bad."

Chief Rickard said undercover officers found members of the group kicking [their victim] in the face and ribs. He was treated at General Hopsital for a broken nose, some loose teeth and other injuries, and released.

The September 17, 1989, Washington Post reported on a similar gay-bashing incident in Rock Creek Park here in Washington, and the fear and disruption such incidents create in their victims, along with the physical scars.

I think these incidents are disgusting and outrageous. I know that every Member of the Senate believes such hate violence against homosexuals is disgusting and outrageous.

The police were unaware of the problem in Rochester. If a system of collecting these statistics will encourage persons, including homosexuals, to report these types of crimes, it will be helpful to law enforcement agencies, like the Rochester Police Department. That department, I am sure, has taken steps to address the hate crime problem they uncovered. So, I believe this bill can help law enforcement agencies identify the problems and respond to them.

The Justice Department has vigorously prosecuted these hate groups. The victims of racial violence in cases brought by the department include black homeowners and college students, Asian homeowners and restaurant patrons, Jewish workers and Hispanic travelers.

Thus, hate crimes are a national concern and affect citizens who belong to a variety of groups targeted by the hatemongers.

In consideration of this problem, I believe it should be clearly understood that our democratic institutions are strong. The overwhelming majority of our citizens are intolerant of hate crimes and those who perpetrate them. Local, State, and Federal law enforcement agencies have been on the job. For example, the Anti-Defamation League of B'nai B'rith cited the Justice Department's "superb job" in prosecuting the hate groups in its 1987 report, "The Hate Movement Today." Most, if not all, of the incidents I have mentioned earlier resulted in the apprehension and conviction of the criminals involved. Frequently, there is a public outcry about these crimes, and local citizens have often rallied to the support of their neighbors who are the victims of these crimes.

While I do not feel we face an epidemic of these crimes, we still face too many of them. This act will provide a useful tool for law enforcement agencies to identify those areas where resources can be deployed and this problem better attacked and resolved.

I want to address some further points. Some of my colleagues may be concerned that this act provides an imprimatur for homosexual rights legislation. It does not. As I mentioned earlier, it creates no substantive rights or cause of action, "including an action based on discrimination due to sexual orientation." That is in section (b)(3). Violence or other illegal criminal activity specified in the act directed at a person because of sexual orientation, however, is as much a local or State criminal offense as it is when directed to a person because of race, religion, or ethnicity. Obviously, no one favors the commission of the crimes listed in the act for any reason. If violence or other hate crime activity directed toward persons because of their sexual orientation is a problem that is identifiable through this kind of data collection, law enforcement agencies can benefit from the collection of such information. The Attorney General, of course, must take care that the data collection is reliable and truly reflects criminal activity based on prejudice. In short, this data collection measure regarding the commission of crimes is no precedent for asserting protected status under our substantive civil rights laws. I do not condone homosexual activity, and I do not support separate civil rights legislation for homosexuals. But I certainly do not believe anyone should be beaten up, vandalized, or otherwise criminally assaulted, regardless of what that person may be or what that person's lifestyle is—and whether or not they are homosexual.

Let me address the concern of all Americans that I believe has to be addressed at this time, and that is, we may disagree with that lifestyle, but they are human beings and they should not be brutalized in this fashion. It is happening all over our country today. Lest we focus only on that, one has to remember there are other kinds of hate crimes. My own religion has suffered from hate crimes in the past. My people's original church leader was killed in this country because of hate crimes.

Mr. SIMON. In Illinois.

Mr. HATCH. Right, in Illinois; that is right. We have young missionaries all over the country and the world today who give 2 years of their own time, at their own expense, to go out and teach what they believe to be good principles, and they have been intimidated, threatened, and brutalized from time to time.

I have seen swastikas on Jewish synagogues. Let me tell you, I do not countenance that. I do not think anybody would countenance that. I have seen intimidation against the people of the Jewish faith. It is abominable, in my eyes.

It is time we get the real statistics. We better know the extent of the problem and know it now.

I can go on about other areas, as well, where people have been intimidated, brutalized, even killed, because of hatefulness and what we call hate crimes.

Let me now address the concern about the cost of data collection under this bill. The Congressional Budget Office could not "provide a precise estimate of the cost of S. 419, because there are a number of different ways to collect the required data, each with a different cost. * * * Information provided by the Bureau of Justice Statistics, the FBI, and the Community Relations Service indicates that data collection costs could range from less than $1 million annually to around $10 million annually." That is a letter from Robert D. Reischauer, Director, CBO, to Chairman BIDEN, March 21, 1989. Of course, I hope that the cost can be kept to the low end of this range. But I believe the expense is worth it, to collect this data which, in turn, may help in local and State and Federal law enforcement efforts against this type of heinous behavior and activity.

There is also some concern that the data collected under this bill will not be reliable; that it is difficult to determine when a crime covered by the bill "manifests prejudice." Mr. President, in many, many cases, this determination will not be difficult. When a cross is burned, a swastika painted on a synagogue, or a member of a racial or ethnic group or a homosexual is beaten for no apparent reason following the perpetrators' uttering racial, ethnic, or antihomosexual epithets and slurs—these are readily identifiable examples that would be reported. Obviously, as with the collection of most statistics, some incidents that should be reported won't be, and others that are reported in error. I believe, however, that this will not be a serious problem. The bill directs the Attorney General to establish guidelines for the collection of such data, including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section. The Justice Department and the FBI have a long track record in crime data collection. I am confident the Attorney General, whoever he or she may be, at the present or in the future, through the Attorney General's criteria which could include verification procedures and the opportunity to reclassify reported incidents later found not to reflect prejudice, can minimize the instances of misreporting.

In short, Mr. President, this bill could do a great deal of good in the greatest country of the world where

we have the greatest measure of freedom of any nation in the world.

I want to at this time particularly commend my colleague from Illinois [Mr. SIMON]. Some people were afraid to bring this bill up. They are afraid of amendments to the bill. They are afraid that people will misconstrue what they are doing. Some are afraid of a whole variety of shadows that really do not exist as far as I am concerned.

Senator SIMON has been willing, along with myself, to bring this up and to see it through to conclusion. We are going to do that, and we are going to do it because we believe it is in the best interests of our country, it is in the best interests of our people, it is in the best interests of freedom, and in the best interests of creating better feeling among different groups and different people.

I think he deserves a great deal of commendation for his leadership on the bill. I personally want to thank his staff because his staff has done a tremendous job on this bill, especially Susan Kaplan. I want to thank my staff as well, without which I would not be nearly as conversant on this matter as I am. We both have studied it. We have both looked at it. We have looked at the facts, at the problems, and we can tell you there is a serious set of problems in this country and this bill will put a handle on them and do what needs to be done.

I am grateful to my colleague from Illinois, and I am proud to stand with him on this floor and fight for this bill. I hope all of our colleagues will vote for it. I think we need to send a resounding message to the people of this country that we are not going to put up with these hate crimes any longer.

Again, I will say that some of our law enforcement officers are doing a terrific job with regard to hate crimes, and this is not considered in any way a knock at them. But we also know that there are millions of people out there who are worried about hate crimes, and there are many who never report them because they do not want to be brutalized again for having done so.

With the passage and implementation of this bill, we hope people will report hate crimes and that we can get a handle on just exactly what they are and how bad they are, and then do what is necessary with regard to resolving all of the problems surrounding the hate crimes problem.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, as I understand it there is 1½ hours on the bill with 30 minutes allotted to me, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, I have listened with great interest to the catalog of offenses enumerated by the sponsors, including one in North Carolina in which a young Chinese citizen was beaten to death by two thugs. But if they want to finish the illustration, let them know the culprits are in jail awaiting trial, which is where every criminal should be. The abuse of the criminal justice system at the expense of people like this young Chinese student, makes me wonder why so many in this body will never get tough on crime by advocating the death penalty.

Mr. President, the Hate Crime Statistics Act admittedly has a catchy name, as is so often the case around this place. Catchy and deceptive names hide dangerous legislation to preclude many Senators from reading the fine print. I dare say there will not be over five or six Senators who will know what is in this bill when they vote on it, and that too is the way the Senate often operates. It is certainly the case with the Hate Crime Statistics Act.

Let me make clear right at the outset that rooting out and punishing criminals is an imperative goal. One hundred Senators believe in that, and no Senator believes in that more than this Senator. Unfortunately, when it comes to putting the bite on crime, this place so often seems to be long on speeches and rhetoric and short on action. In fact, judging by the calendar of the Senate—and I refer to both the Hate Crime Statistics Act and the so-called Racial Justice Act—swift and sure punishment of lawbreakers takes a back seat to the agenda of a few narrow special interests.

In this case let the Senate understand that this bill is the flagship of the homosexual, lesbian legislative agenda. They have said that over and over again.

If we are going to get into homosexuality and how sorry we ought to be for these people, let me tell you about a so-called hate crime that happened in North Carolina, at my Raleigh office.

There was a period last year when by careful design homosexual men would come two by two into my office and commit unspeakable acts in the presence of the ladies who work in that office. I will not describe the vile nature of what they did but I have yet to see incidents like that end up in anyone's catalogue of hate crimes.

By the way, I had to use the U.S. marshal to stop this invasion.

Now, I suppose that I am discriminating against homosexuality and homosexuals when I make the judgment that they will not offend and embarrass the fine ladies who work in my office, but if I am violating any law I will go to jail before I will let these people get by with that type of activity. Apparently there is a great deal of political clout in the homosexual community. They have made political threats time and time against me, and that is fine. This is a free country. They can oppose me all they want to. But we will let the people of North Carolina speak on that in November. If the people of North Carolina say come home because I stood on this Senate floor and opposed legislation like this, then I will gladly go home. They cannot take 18 years away from me.

With this legislation the radical elements of the homosexual element have hoodwinked a lot of people into believing that this legislation is not a homosexual rights bill but a much needed weapon—they always say—in the fight against crime.

Well, I listened carefully to my distinguished colleagues, whom I like very much and whom I respect, but I do not recall one crime identified by either of them that is not already a crime.

Let us knock down the crime fighting straw man first.

This bill has been around in one form or another for at least 5 years and everybody knows we have experienced an explosion of drug-related violent crime during those 5 years, yet this so-called vital piece of anticrime legislation has not moved.

Does that tell us something? I think it tells us that nobody believes that this hate crimes bill will do anything at all to fight crime—nothing. In fact, the bill attempts to shift our focus away from actual criminal behavior and toward motivation behind behavior.

Incidentally, nobody knows how much this bill will cost, but that is the way we do things in the Senate. We add programs on top of programs seeking political support from this group and that group and to hell with the taxpayer who has to foot the bill.

Mr. President, where do you think the idea of legislation to require the collection of statistics on so-called hate crimes originated? If this is such a wonderful crime fighting tool, it surely must have originated with a group known for its tough stance on crime, right? Wrong. This idea was dreamed up by the National Gay and Lesbian Task Force. That is a matter of record. It was first presented to the National Institute of Justice back in 1985, and the National Institute of Justice, a branch of the Department of Justice, commissioned a study to collect reports of bias-related crimes. But by some strange coincidence homosexuals reported more of these so-called crimes than any other group.

I studies the reports commissioned by the Department of Justice as well as the studies offered in the support of this legislation, and it is clear that the militant homosexuals have been building up the numbers of complaints—

not, let me emphasize, criminal offenses or charges. They have been building up numbers of complaints to bolster their case that this type of legislation is necessary.

I have an article published in the Washington Post back in 1988, which lists the hate crime figures provided to the Washington Post by the National Gay and Lesbian Task Force for hate crimes committee in the District of Columbia. The Post reported 243 incidents of antihomosexual crimes for the year 1987 but if you look a little bit closer than that, you find that 147 of these so-called crimes were verbal. Are we going to put people in jail for losing their temper and saying things they should not do? Forty-one additional so-called crimes committed in the Nation's Capital were arrests by police. In Virginia, the Washington Post article went on to say, there were 462 antihomosexual crimes but 423 of these were simply incidents of name calling.

With that kind of reporting, it is small wonder that homosexuals report more acts of violence directed against them than any other group. My own State has been singled out in many reports put out by supporters of this legislation as leading the Nation I hate crimes. Does anybody think that is an accident? I happen to have the report used by the radicals in painting North Carolina as the home of hate. These hate crimes include public rallies, intrafamily violence and even a performance by the mascot at Duke University at Durham. That was a crime according to the hate crimes people. I will get to that in just a minute.

I mentioned that these reports even include some public rallies as crimes. One such rally was by a Klan group. I do not have any truck with Klan rallies. The Klan is vile and offensive, and I reject their philosophy but where are we heading in this country when a thought or a rally or a comment by the Klan, or Black Panthers or the Jewish Defense League becomes a crime just because it happens to offend one special interest group or we happen to find it offensive. Some Members of this body have even argued that burning the American flag should not be a crime. Yet we are now considering legislation based on statistics that includes name calling at public rallies as crimes. What is going on here? Are we going on the school yards of this country and when two kids get angry with each other and call each other names—what are we going to do, cart them over to the reformatory or add them to the list of hate crime perpetrators. This is ridiculous.

Is it not ironic that all of the civil libertarians, the folks who run around this country crying about the Bill of Rights when somebody pulls the rug out from under pornographic art or says violent criminals should be punished, all of these groups are just absolutely willing to label unpopular speech—criminal when it does not fit their own political agenda.

All of us in public life have had some things said about us that we did not particularly like. The Democratic National Committee is fond of describing a Senator from North Carolina as the "Prince of Darkness." Translated that means that the Democratic National Committee does not agree with JESSE HELMS. But that makes it even. I do not agree with them either. But I do not think anybody ought to be hauled off to jail or listed as a statistic for having made a statement like that.

In North Carolina we punish real crimes. Everybody from the Governor on down is dedicated to that goal and I challenge anybody to say to the contrary. I resent the implications made earlier about my State. I am not going to attack another State by implication. In the first place, the rules of the Senate prohibit it. In the second place, I do not believe in doing that. The citizens of this country and the citizens of North Carolina do not need to be distracted from the mission of putting felons behind bars by legislation like this.

Let me now direct the Senate's attention to the most recent study put out by the National Gay and Lesbian Task Force which has declared this bill to be their make or break legislation. Their report for 1988 admits that almost 80 percent of so-called hate crimes against homosexuals were acts of name calling. In fact, they found precisely 885 cases of physical violence throughout the country. I am sorry about any act of violence, but if you take the homosexual community at its word that they represent 10 percent of the population at face value, and I do not, but I will use that figure for the sake of argument, 885 crimes comes out to be relatively a minute number compared to their percentage of the population.

Certainly it is not remarkable compared to the level of violence perpetrated in this country against the elderly, children, police, and other law enforcement officers. While we are talking about hate crimes, I happen to be the son of a man whom I considered to be a distinguished law enforcement officer.

Mr. President, over 300 policemen died in the line of duty last year in this country. Yet they received no special rights or special attention. That figure should bring back to reality anyone who believes counting numbers is a good way to stop crime. It simply will not do it.

As a purely statistical tool, this legislation is at best unworkable. It calls for the reporting to the FBI any incident of crime motivated by hate.

My good friend, CHUCK GRASSLEY, the distinguished Senator from Iowa, learned in the Judiciary Committee that not one of the bill sponsors could tell him what the term "motivated by hate" means. I am not a lawyer, and I brag about that a whole lot, but I do know that motivation is not an element of our criminal offense, and since very few crimes ever make it to the trial level, motivation is rarely addressed in the criminal context.

So by delegating to the Attorney General, authority to come up with guidelines to determine what motivation is, the bill sponsors, according to Senator GRASSLEY, have admitted that they do not know what a hate crime is. How about that? You can have all the flowery rhetoric and all the personal protestations that I do not want anybody to be offended and this and that and the other, but when you get right down to it, they do not know what they are talking about.

This bill says nothing about the quantum of evidence required to create a reportable offense. Since the bill is silent on that issue, I gather that any charge of prejudicial violence is automatically elevated to the level of a hate crime. I cannot find any other conclusion.

Another little defect in this bill, it fails to mention how hate crime figures will be gathered. That is one of those cute legislative tricks you pop into legislation and leave somebody else to try to figure it out. Unless I am mistaken, only 11 States have so-called bias crime laws, and therefore, nobody knows how the other 39 States will gather the statistics. I might add, they do not know how much it will cost, and how much energy and time and resources will be diverted from working on drug crimes, crimes of violence, assault on elderly, and all of the other maladies which afflict our society.

The hate crime bill supposedly addresses the need to catalog religious and racial crimes. Once again, the emphasis is on public relations and not on punishment. The Reagan administration had it right for 4 years; their legislation does nothing to fight crime.

As for religious crimes, this Congress addressed that issue back in 1988, by affirming that the free exercise of religion is a fundamental right, unlike the often-rejected claim of homosexuals that they have a fundamental right to commit sodomy.

The Congress passed Public Law 100-346, the Free Exercise of Religion Act. Instead of counting crimes, that law made it a criminal offense to interfere with anyone's religious liberties, and that means, if you paint a swastika on a synagogue, you go to jail. That is already on the books. If you vandalize a religious school, you will go to jail. That is already on the books. The key word here is "jail," and I suggest

we concentrate on that. And when you put them in the jail, turn the key, and throw the key away. That is the way to do something about crime. Forget about all of this statistical nonsense. Statistics will be stacked up over in the Justice Department, and some bureaucrat will break a leg falling over them. That is where statistics are going to end up.

Let me digress for just a moment. I want to allude to the double standard that seems to exist in this Congress and in the major media when it comes to homosexual rights. Fair is fair. Let us talk about it.

Senators will remember, perhaps, an incident that occurred late last year at St. Patrick's Cathedral in New York City. During the regular Sunday mass, thousands of militant homosexuals gathered outside St. Patrick's Cathedral displaying the most vulgar and graphic placards imaginable.

Now, of course, they were protesting, do you not see, 5,000 years of Judeo-Christian teaching against the sin of sodomy. These so-called activists saved their particular rancor for the Catholic Church. I happen to be a Baptist, but what they did at St. Patrick's Cathedral sickens all Americans of whatever creed.

The Catholic Church, as everybody knows, has held the line in condemning homosexual activity, as well as proclaiming to the world that AIDS cannot and will not be controlled until homosexuals change their promiscuous lifestyle, period.

Mr. President, dozens of homosexuals snuck into St. Patrick's that morning, and as the Archibishop of New York tried to begin his sermon, this crowd—and this is their bill—began screaming, and standing on pews, and tossing condoms in the air. Oh, that is good old free speech, is it not?

This is the crowd we want to follow, do we not, in deciding what legislation we are going to pass and what legislation we are not going to pass? I say to my friend from Illinois, if I sound like I am worked up, I am worked up.

When the archbishop attempted to deliver Holy Communion, the most sacred sacrament of the Catholic Church, homosexuals infiltrated the congregation and began throwing the Holy Eucharist to the ground. Some hoisted pictures of Jesus Christ engaged in a kind of activity which I will not describe on this Senate floor.

I refer to at least part of an article by Pat Buchanan, describing the deafening silence that this event received in most of the major news media. You see, this was not news to our liberal brethren in the press and television. Where was the outcry? Where was the prosecution of these criminals? Where? Patrick Buchanan was right. You could hear a pin drop because of the lack of attention paid to this event by the homosexual apologists in the media and in politics.

The New York Times relegated the story to the back pages, and the Governor of New York said that he was sort of sorry about the incident, and then he qualified his apology by saying that the homosexuals were the victims of adequate provocation by the stance of the church. Bullfeathers, I say to the Governor of New York.

The radical homosexuals themselves refused to apologize for their deliberate crime. They considered their invasion of St. Patrick's Cathedral as another battle in their revolution.

Again I say bullfeathers.

There is no doubt in my mind—other Senators may disagree—where the passage of this legislation will lead us. No matter what kind of disclaimer you put in this legislation, it will be the first time that sexual orientation—and that means homosexuality—will be marked out for protected status. The radical homosexuals know this, and this legislation is simply one step in their radical revolution.

They make no bones about what is to come if and apparently when they succeed in getting the Hate Crime Act enacted.

Listen to Mr. David Wertheimer of the Gay and Lesbian Anti-Violence Project commenting on the need for this legislation before us. He said:

> It is clear that there is a new awareness of anti-gay and lesbian violence at the federal level. The legislation is still a long shot but our final goal should be nothing less than the expansion of the Civil Rights Act to include lesbians and gay men.

I will conclude as I began. No one condones violence; no one; not one Senator in this Chamber. However, the fight against crime is never served when the object of legislation is to promote an agenda other than one designated solely for law enforcement.

I have seen quite a few buttons around proclaiming "Counter Hate, Count Crimes." I would like to see a button, and I may have one made, that reads, "Stop Crime, Lock Up Criminals."

Mr. President, I ask unanimous consent to have printed in the RECORD Patrick Buchanan's article "the desecration of St. Patrick's."

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

THE DESECRATION OF ST. PATRICK'S

(By Patrick Buchanan)

Outside St. Patrick's Cathedral in New York at the 10:15 Mass a week ago yesterday, thousands of homosexuals and pro-abortion feminists shouted their hatred, and shook their placards: Keep your rosaries off my ovaries. Eternal life to Cardinal John O'Connor NOW! Keep your church out of my crotch. Know your scumbags. Curb your dogma. Papal bull.

Dozens snuck inside. As Cardinal O'Connor's sermon began suddenly, "The radical homosexuals turned a celebration of the Holy Eucharist into a screaming babble of sacrilege by standing in the pews, shouting and waving their fists, tossing condoms into the air." One, taking Communion, broke the consecreated Host in half, and threw it to the floor.

So writes Ray Kerrison, New York Post columnist; Bill Reel of the Daily News described the scene outside:

"Several slender young men wearing gold-colored robes similar to clerical vestments hoisted a large portrait of a nude Jesus drawn in such a way as to appeal to the prurient interest of homosexual males."

America's paper of record, The New York Times, only blocks away, relegated the hate crime to local news, Page B3, then, gently chided the trousered apes who perpetrated the satanic sacrilege:

"There is plenty of room for controversy over church positions on homosexuality, AIDS and abortion. . . . But some of the demonstrators turned honorable dissent into dishonorable disruption."

Had a synagogue been so desecrated, would The Times have been so restrained?

New York Gov. Mario Cuomo, anxious to cover all bases, was a portrait in political balance. Denouncing the desecration as an "outrage," he yet conceded there had been "awful provocation."

But, what "awful provocation"?

Cardinal O'Connor has done nothing but assert Catholic doctrine on homosexuality and abortion: i.e. both are intrinsically wrong. That doctrine is found in the Old and New Testaments, revered as revelation by all Christians. The cardinal has no more authority to alter that teaching than does the governor of New York; indeed, as archbishop, he is under moral obligation to witness to the truth.

Considering that no U.S. bishop has power to stop the sale of condoms, or to interfere with acts of homosexuality, or to shut down even one of the human butcher shops where 1.5 million children are yearly done to death, what were the fanatics screaming about?

The answer is at hand.

Paganism is a jealous, devouring god that abides no other. Militant converts to this all-consuming heresy were witnessing to their new faith. Unable to shut their ears and eyes to what Cardinal O'Connor has to say, they want him to shut up; they want the Catholic Church to shut up; they want all men of God to cease bearing witness against the devils that possess them.

And their frustration is all the greater because they know the church cannot do what they desperately want it to do: Bless a lifestyle that is carrying them away in numbers reminiscent of the Black Death.

AIDS is indeed a horrible disease. But who has done more than the church and its nuns to relieve the suffering and to ease the dying of its tens of thousands of victims?

"Good morality is good medicine," the cardinal has said again and again. Is he wrong? The primary cause of the spread of AIDS is promiscuous homosexuality; the secondary cause is the sharing of dirty needles by the drug-addicted. Why, then, is AIDS the fault of a church that has not ceased to preach that both are morally wrong, that has, again and again, called home those who have strayed?

What happened at St. Patrick's was not unpredictable.

Three weeks ago, the "arts community" of New York rose to defend a crude AIDS exhibit, introduced by a $7,000 catalog that

preached open hatred of Cardinal O'Connor:

"This fat cannibal from that house of walking swastikas up on Fifth Avenue [St. Patrick's] should lose his church tax-exempt status and pay retroactive taxes from the last couple centuries. Shut down our [abortion] clinics and we will shut down your 'church.' I believe in the death penalty for people in positions of power who commit crimes against humanity, i.e. fascism. This creep in black skirts . . . ."

Men who fail to condemn the words of hatred must accept moral culpability for the hate crimes they produce.

Strange, is it not? For years, homosexuals have insisted that the larger community cease using terms of offense such as "queer." Now, as the larger community accedes, the militants employ even viler epithets against the cardinal, the pope and the Catholic Church.

What else do they want? They have limitless sexual license, access to abortion on demand, a government that spends more on AIDS research than on heart diseases that kill 40 times as many. Why, then, are they angry, so unhappy?

Perhaps St. Augustine had the answer: "Thou hast created us for Thyself; and our hearts are restless until they rest in Thee."

In the 16th century, historian Georgio Vasari wrote that when human affairs begin to deteriorate, no improvement is possible until we reach the nadir. Perhaps so. Yet, there are signs it may not be so.

One week before this display of decadence at St. Patrick's, the head of the Communist Party of the Soviet Union, the vicar on earth of the god that failed—like Henry IV in the snows at Canossa—came to the Vatican to say, "Holy Father, we are aware that we are dealing with the world's highest moral authority." In their own demonic way, the demonstrators at St. Patrick's were saying the same thing.

It is not a bad time to be a Christian. Our enemies are out of the closet; they are all in the open now.

Mr. HELMS. Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself 5 minutes.

Mr. President, my distinguished colleague from North Carolina makes very interesting speeches. It so happens this speech, three-fourths of it, has absolutely nothing to do with the legislation before us. We are not creating a single new crime in this legislation. All we are saying is let us keep track of the statistics; very, very simple.

He says it will not do anything to fight crime. It is not going to stop all crime. But can it help in stopping crime? You bet it can help.

Let us find out to what extent we have the poison of racism and other violence against groups in our society.

He talks about costs. Eleven States are doing it right now. One of them testified before our subcommittee and said there was virtually no cost. The Congressional Budget Office says $1 to $10 million at the outside.

The language that the Senator from North Carolina objects to on the phrase on motivation we accepted at the request of the Justice Department of this Government.

On this bill, I said earlier, we have 58 cosponsors. My staff has advised me that we now have 60 cosponsors. It is supported by the President of the United States and the Attorney General of the United States.

He made references to the police among the groups—and there are many groups supporting this—but the Police Executive Research Forum, the Fraternal Order of Police, the National Black Police Association, the Police Foundation, the National Organization of Black Law Enforcement Executives, the Police Management Association, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the National Association of Blacks in Criminal Justice, all support this legislation.

We have a problem. We read in the Soviet Union about the unbelievable things that are happening against Armenians in Azerbaijan. And we are offended and repelled, as we should be. But these things can happen in the United States of America. My distinguished colleague from Utah, Senator HATCH, who has been extremely helpful in this whole thing, I want to pay tribute to him for his constructive work here. Senator HATCH pointed out what happened to the Mormons in my own State of Illinois in the late 1830's and the early 1840's. In World War I we had German-Americans who were abused. In World War II we had Japanese-Americans abused. When the hostages were taken in Iran we had Iranian-Americans who were abused. We have problems. Let us find out to the extent that we have poison in our society and then let us do something about it. That is what this is all about.

Before I close, let me add my appreciation to Susan Kaplan, Bryan Kennedy, and Vickie Keoton of my staff, and Mark Dissler of Senator HATCH's staff, all of whom have been very helpful in this legislation.

Mr. CRANSTON. Mr. President, I am pleased to join my friend from Illinois, Senator SIMON, in urging support for this legislation which would require the Attorney General to collect data on the incidences of crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity. While this is a modest bill which simply requires the collection of data, it represents a significant step forward in our efforts to address the serious problem of hate crimes in our country.

By all accounts, Mr. President, the problem of hate crimes is indeed critical. As Senator SIMON has already forcefully argued, crimes motivated by prejudice appear to be widespread and also on the increase. The Anti-Defamation League of B'nai B'rith reports that anti-semitic hate crimes rose to a 5-year high in 1988, with harassment up 41 percent and vandalism up 19 percent from 1987.

Antigay violence also appears to be on the increase. A front-page Washington Post article last year stated that law enforcement officials are seeing an increase in antigay violence. The National Gay and Lesbian Task Force reports that there were 7,248 antigay incidents in 1988 which consisted mainly of verbal harassment but which also included homicides, physical assaults, and threats of violence. The Task Force also noted that local gay groups recorded 70 homicides in 1988 that occurred in antigay attacks, representing an increase of 9 percent over the previous year. One of these attacks, as recounted in the Post article, involved the stalking, the hunting of two women—resulting in the death of one of the women—merely because of their sexual orientation.

There is also evidence of a growing antiimmigrant sentiment that is related to an increasing number of hate crimes against Asians and Hispanics. A 1988 report completed by the Asian and Pacific Islander Advisory Committee to the attorney general of the State of California notes that the 1980's witnessed an increase in acts of hate violence directed against Asian and Pacific Islander Americans. The committee noted that Asian and Latino immigrants were the least likely to report hate crimes either due to lack of English proficiency, suspicion of law enforcement, or failure to recognize the criminal nature of the act.

The hate crime problem in our country is further underscored by last year's announcement by the Department of Justice that it will launch a major criminal investigation of white supremacist organizations—known as skinhead gangs—which are active in the South, Southwest, and West. These gangs have reportedly been involved in numerous beatings, assaults, robberies, and dozens of acts of vandalism throughout the country, and have also been tied to at least three murders.

All of the available information, Mr. President, points to the fact that hate crimes are a national—not local—problem which demands a Federal response. While the information that has been gathered by private organizations and State and local governments certainly sheds light on the problem, we clearly need a systematic nationwide data collection effort to understand fully the scope of the problem.

This data will supply law enforcement agencies with information on the severity, pattern, and location of hate crimes and will help them better utilize their resources to quell the hate

activities perpetrated by particular groups in certain parts of the country.

More importantly, Mr. President, the information that will be gathered will help us develop prevention strategies. The data will promote public awareness of the problem and, thus, encourage the development of effective remedies. This national data collection effort would also demonstrate to victimized communities that the Federal Government is interested in this problem, and could lead to an increase in reporting by victims.

Mr. President, it is clear that if we are to get to the root of the problem of hate crimes we must learn everything we can about the perpetrators of these crimes, where these crimes are committed, how they are committed, and why they are committed.

The collection of data on the incidences of hate crimes on a national basis is the first step in finding a solution to the problem. I urge my colleagues to support this legislation.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Utah.

Mr. HATCH. Mr. President. It is my understanding that the distinguished Senator from Washington would like some time on the floor, so I would be happy to yield 5 minutes to the distinguished Senator from Washington.

Mr. GORTON. I thank the Senator from Utah.

Mr. HATCH. Will the Senator yield for one small statement?

Mr. GORTON. I do.

Mr. HATCH. I would like to notify our colleagues, unless there are others who desire to speak on this, as soon as the distinguished Senator from Washington has completed his statement, that I intend to call up an amendment and ask for a rollcall vote on it. We are hopeful it will not take a lot of time to debate. We have one other amendment and then hopefully we will go to final passage. We are trying to accommodate our colleagues here, so those who are worried about when the vote will come, I hope it will be shortly after the distinguished Senator from Washington concludes.

Mr. GORTON. I thank my friend from Utah and appreciate his yielding me time to support the bill which he and the distinguished Senator from Illinois are so eloquently leading the charge.

I wish to express my support of the Hate Crime Statistics Act, which I joined as an original cosponsor with a number of my colleagues. I understand that there are now 60 cosponsors of this bill.

I also intend to support the amendment offered by the two distinguished leaders from Utah and Illinois, to clarify that this legislation does not promote or encourage homosexuality. This important bipartisan effort will help focus on the source and nature of violence arising out of racism and bigotry reemerging across the country.

We, too, in the Pacific Northwest have experienced violent displays of prejudice and racism against certain citizens. Just recently on the quiet Puget Sound island of Whidbey, the "Skinheads," a youth neo-Nazi group, held a national rally with an old guard white supremacist to gain recruits to a doctrine of hate and prejudice. In eastern Washington a skinhead attacked and attempted to kill a Spokane man, just because he was black. And in the city of Seattle cross-burnings have occurred in Madison Park; gays have suffered attacks and beatings in the Capital Hill community; and swastika and the KKK insigna have disgraced the walls of the University of Washington.

Such acts of violence intimidate and harass not just the specific unfortunate victims, but all citizens who may be similarly identified by race, ethnicity, religion, or sexual orientation, and all citizens in general.

Hate crimes are a national problem which must be exposed and ended. These crimes have no place in America. I believe, as George Bush believes, that "Every one of us confront and condemn racism, anti-semitism, bigotry and hate. Not next week, not tomorrow, but right now." I hope all of my colleagues will unite to support the Hate Crime Statistics Act of 1989.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank my dear colleague for his generous and effective remarks here on the floor. We appreciate his willingness to be part of this movement and to pass this hate crime bill.

Mr. BRADLEY. Mr. President, I rise today to cosponsor this legislation, the Hate Crime Statistics Act. There are few criminal offenses in America today more intolerable than those stemming from hate and discrimination. If our society intends to advance the cause of social justice, and to protect our Nation's rich cultural diversity, then we must do everything in our power to assist law enforcement agencies in combatting hate crimes.

Currently, there is no data collection process at the national level for compiling statistics on these crimes. The Hate Crime Statistics Act would require the Attorney General to amass data on crimes motivated by racial, religious, sexual, or ethnic prejudices. This system would provide Federal and State governments, police agencies, and the public with much needed information on hate crimes. Our law enforcement officials would be able to identify the frequency, extent, and location of these offenses.

The reprehensible nature of these incidents commands media coverage, and isolated cases receive our attention. Yet, it is difficult to gage how pervasive this problem has become. We have no information base from which to detect the extent of the problem in our country.

New Jersey is one of eight States which have already implemented a program gathering information on hate crimes. I've been contacted by police officials who find the State's system an effective law enforcement tool. They support the Hate Crime Statistics Act.

The bill will enable the Federal and State governments to respond to prejudicially motivated crime with informed and effective policy planning. More importantly, the legislation will send a message that violent actions of this type will not be condoned. Further, it will assure victimized parties that hate crimes will not be tolerated.

Crimes against any citizen which are prompted by their race, religion, sexual preference, or ethnicity violate principles which are central to our American beliefs. Our society cannot accept or ignore crimes of hate or prejudice. This bill will enhance vigorous enforcement of America's equal protection guarantees, and it has my strong support in doing so.

AMENDMENT NO. 1250

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. SIMON, proposes an amendment numbered 1250.

At the end of the bill, insert the following:

(A) Congress finds that:

1. The American family life is the foundation of American society;

2. Federal policy should encourage the well-being, financial security, and health of the American family; and

3. Schools should not deemphasize the critical value of American family life.

(B) Nothing in this act shall be construed, nor shall any funds appropriated to carry out the purpose of the act be used, to promote or encourage homosexuality.

Mr. HELMS. Will the Senator yield for one inquiry?

Mr. HATCH. I yield.

Mr. HELMS. I agree with everything he said. This is a nice statement, and I will ask that I be made a cosponsor of it. But that is all it is; it is just a nice statement.

Mr. HATCH. Mr. President, I am happy to have our distinguished colleague from North Carolina as a cosponsor because it is a good amendment.

On behalf of Senator SIMON and myself, I just want to point out that there has been some discussion concerning the impact of this bill on homosexual rights. This bill has no impact on homosexual rights. The bill creates no such rights, as I explained in my opening remarks. The bill has no impact at all. Nor does the bill en-

courage or promote homosexuality. In order to make it doubly clear, however, Senator SIMON and I are offering this amendment.

I stress, Mr. President, that the Hate Crime Statistics Act expresses no approval of homosexual behavior. Moreover, this act gives no substantive rights. Section (b)(3) explicitly states:

Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation.

At the same time, no action is limited by the act. It neither adds to or subtracts from existing law.

I have no problem personally with the inclusion of "sexual orientation" in this particular bill because obviously no one should have any violence or vandalism directed at him or her for any reason, including their sexual orientation.

So if the commission of hate crimes directed against persons because of their sexual orientation is a problem that can be identified through data collection, law enforcement agencies may be able to use that information in their enforcement policies. That is all that this bill is about here.

It may be that some will try to use this data to call for gay rights legislation. But I do not see what good this data will do for that particular issue. The fact that violence is being committed against homosexuals is hardly a basis to include homosexuals within the protections of title VII or any other civil rights legislation.

In order to ensure that this legislation is not misperceived as stamping congressional approval on homosexuality, Senator SIMON and I are offering this amendment.

But I will also add, in conclusion, because my remarks are going to be short, that I do not see any justification whatsoever for any citizen of this country to attack people just because they may be homosexuals. There is no reason to allow the beating of homosexuals or the brutalization of homosexuals or the threatening and intimidation of homosexuals—there is no reason for that—or the killing of homosexuals; that has happened, too.

I do not think this bill would be half as good if we did not include this in it, because we know it is going on. We know it is wrong. It is against everything we as Americans stand for. We are just making it clear that nobody can make a claim that homosexual rights are going to come from this particular bill.

So with that said, I understand the minority leader would like to speak to this, but I see my colleague would like to say a few words.

Mr. SIMON. Mr. President, I yield myself such time as I may consume. I do not think I have ever been up just to read an amendment and do nothing more in my 15 years in Congress, but this is so plain that I am going to do precisely that.

(A) Congress finds that:

1. The American family life is the foundation of American society;

2. Federal policy should encourage the well-being, financial security, and health of the American family; and

3. Schools should not deemphasize the critical value of American family life.

(B) Nothing in this act shall be construed, nor shall any funds appropriated to carry out the purpose of the act be used, to promote or encourage homosexuality.

It is as clear as it can be. I hope we can get this adopted very, very quickly.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, let me ask the managers of the bill if they are familiar with a newspaper called the New York Native.

Mr. SIMON. I am not.

Mr. HATCH. I am not.

Mr. HELMS. Well, it is a leading publication in the gay-lesbian community. The article I have was published on July 11, 1988, and the headline on its says, "Immigration Bill Passes Committee—Hope Seen for Gay Rights Bill." I am just going to read one paragraph of it and see how it squares with what the distinguished Senator from Illinois and the distinguished Senator from Utah are saying when they say that this bill is not related to homosexuality.

These are the homosexuals through their official papers speaking: "The bill"—meaning the immigration bill—"The bill is considered the second of three steps leading to the passage of a federal gay rights bill. The first was the hate crimes bill which recently passed the House, the first such bill to include sexual orientation as a protected class. The third step will be action on the gay rights bill itself."

Mr. President, I ask unanimous consent that this article, "Immigration Bill Passes Committee," from the New York Native, be printed in the RECORD.

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

IMMIGRATION BILL PASSES COMMITTEE—HOPE SEEN FOR GAY RIGHTS BILL

(By John Ward)

WILMINGTON, DE.—The Immigration Exclusion and Deportation Amendment Act, a bill which would allow gay men and lesbians to immigrate to our shores, has moved another step closer to becoming law, despite an attempt by Representative William Dannemeyer (R-Calif.) to retain the bar against gays. Sponsored by openly gay Representative Barney Frank (D-Mass.), the bill was voted out of the House Judiciary Committee June 22 by a vote of 21 to 14.

"I am very pleased to win by such a big vote," said Frank. "Every single Democrat voted with me, and two Republicans."

The bill now goes to the House floor, where Frank is predicting victory, although he said it is too soon to say when that may occur. No action is yet slated for the Senate.

Among the restrictions on immigration that would be lifted by the bill are the designations "psychopathic personality" and "sexual deviation," which courts have interpreted to include gay men and lesbians. Presidential directives have curbed enforcement of the ban on gays, but gay leaders say the restrictions must be removed altogether from the books.

The Dannemeyer amendment, which would have restored sexual deviation as a barred class, failed by a vote of 23 to 10. Joining Dannemeyer were Republicans Howard Cobble (N.C.), George Gekas (Penn.), Bill McCollum (Fla.), Carlos Moorhead (Calif.), F. James Sensenbrenner (Wisc.), Clay Shaw (Fla.), D. French Slaughter, Jr. (Va.), Lamar Smith (Texas), and Patrick Swindall (Ga.)

The bill is considered the second of three steps leading to the passage of a federal gay rights bill. The first was the Hate Crimes bill which recently passed the House, the first such bill to include sexual orientation as a protected class. The third step will be action on the gay rights bill itself. As he did on the Hate Crimes bill, Frank is expected to play the key role in the right for passage.

The immigration bill would repeal the McCarran-Walter Act passed in 1952 at the height of McCarthyism. Under this law, the Justice Department can bar or deport aliens for unpopular political beliefs, past history of mental illiness, polygamy, or membership in controversial political groups.

Mr. HELMS. I thank the Chair. I yield the floor. I am ready to vote.

Mr. HATCH. We are ready to vote. All I can say, in response to the distinguished Senator, is that I think gay groups may very well think that this may be a prelude to civil rights legislation for them.

But to make a long story short, that is their idea, not mine. But I know one thing that they do think, and they are right on it; that they should not be brutalized and beaten and murdered because of hatred or for any other reason, but certainly not because of their sexual orientation. They are human beings, too, and they ought to be treated like human beings. There is a right every American ought to have and that is the right to be free and unmolested from vicious hate criminal activity.

All this bill does is collect the statistics with regard to vicious hate crime activity.

I think that is a worthwile thing, and I think most people will agree. I hope this bill will pass overwhelmingly here today, as a witness and as a notice to everybody we are not going to put up with these hate crimes any more.

As I understand it, the Senator from North Carolina has an amendment and he would like the votes back to back.

Mr. HELMS. That is acceptable.

Mr. HATCH. I thought my colleague would want that. So, what I will do is

yield the floor so the Senator can have it. He will call up his amendment, and then we will vote back to back and save all our collegues some time.

Mr. HELMS. As the Senator knows, we will have to yield back the time. But, before we do that, he identified the beatings of homosexuals and said that ought not to happen. The Senator knows I agree with him. Does the Senator have any doubt I agree with him about that?

Mr. HATCH. Not at all. I know my colleague feels just as offended by that conduct as anybody.

Mr. HELMS. The point is the crimes enumerated by the Senator are already crimes punishable by law.

Mr. HATCH. that is correct.

Mr. SIMON. Will my colleague from North Carolina yield?

Mr. HATCH. Could I just add, before he does, most of those, already, are covered under our criminal acts. But we find that people are afraid to report such criminal activity because there is no particular methodology pursuant to which they can make those reports.

Mr. HELMS. If the Senator will excuse me, how are we going to count something that is not reported?

Mr. HATCH. Because this provides a mechanism. A mechanism that will be provided by the Attorney General of the United States, where hate crimes can be reported to the appropriate law enforcement officials.

Mr. HELMS. But where is the information if they are afraid to report being beaten?

Mr. HATCH. This bill and its implementation is going to encourage them.

Mr. HELMS. Please tell me how this is going to function. I do not understand how the Senator proposes or the Justice Department proposes this bill to work. The Reagan Justice Department's Bureau of Statistics said that the goals of the legislation could not be met.

Mr. HATCH. It will require the Justice Department to come up with a method whereby people can report these crimes.

Mr. HELMS. I see.

Mr. HATCH. Frankly, that is something we do not have today. Even more importantly, if we get them reported, there will be an outcry by the American people.

I have no doubts about the motives of my distinguished colleague from North Carolina. I have seen him fight for the rights of people since I have been here. He does differ, and I think honestly and legitimately, on this bill, and I respect him for that. I do not have any difficulty with that. I have tremendous admiration for him as a Senator.

If he were not here, this Senate would be a worse place. He handles some of the most difficult matters that the Senate has to handle, and he does it in a courageous fashion. I happen to be a fan. I happen to think he is one of the all-time great Senators in this body.

If he differs with me on this, I feel sorry about that, because I would rather have him on my side. But I think he allows me the same privilege of differing with him, and I think he is wrong in his interpretation of whether or not we should have this bill.

I think this bill will help us in this country through the years to identify the crimes that are hateful crimes in a way that we may be able to invoke those criminal laws to get rid of that kind of activity. And I do not think there is a person in America who has been aware of what is going on in this country today who would not acknowledge that this is a serious set of problems and that something ought to be done about them.

The best way to do anything about it is first get the data, get the knowledge, get the information. Once we have the information, then we can make determinations of what needs to be done.

Mr. HELMS. I thank the Senator for his kind words but I am still puzzled how we are going to get the information if the crime is not reported.

Mr. President, I still have the floor, is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I have an editorial from the New York Post. It is headed "Bias Crime in New York." This editorial, I think, is very illuminating in that it illustrates the difficulties, if not the impossibilities, of demonstrating that bias or hate prompted a given crime. As I understand it, New York City is scaling back all of its bias crime units because once police broke through the rhetoric, there was not much to the charges.

I just put one article in and, Mr. President, I ask unanimous consent that the editorial to which I have just alluded from the New York Post, of September 21, 1988, be printed in the RECORD at this point.

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

[From the New York Post, Sept. 21, 1988]

BIAS CRIME IN NEW YORK

For almost two years now, ever since the Howard Beach episode, New Yorkers have been particularly sensitive to bias-related violence.

Police report sharp increases in the number of reported crimes linked, in one form or another, to bias.

Organizations dedicated to monitoring such crimes maintain that racially motivated violence and anti-homosexual violence are both on the rise.

Homosexual rights groups claim that the AIDS epidemic, in particular, has fueled wanton violence against overt homosexuals.

Gov. Cuomo and the state Assembly have responded with legislation increasing the penalties for crimes with bias-related overtones. The bill is pending in the Senate.

Even while condemning each and every crime of this sort, we've had our doubts about the practicality of the legislation in question. How easy is it to demonstrate that bias prompted a given crime?

Is it wise to encourage dispute over whether the perpetrator did or didn't shout an epithet during a criminal act?

In the last analysis, it's usually not important *why* a crime was committed—only that the guilty party be properly punished. Delving into motive can confuse issues rather than clarify.

Advocates of bias-crime legislation, moreover, sometimes seem to represent the city as a simmering cauldron of inter-group hatred. In this context, it's interesting to note that the NYPD, for more than half a year, has had three six-member decoy teams tasked with combating bias-related violence.

Not one arrest has been made, because there has been no cause to make one. No decoy has been attacked—not the black decoys, nor the decoys who appear to be orthodox Jews nor the decoys who appear to be homosexual.

That's good news, and there's no reason not to say so. New York, it seems, may not be such a cauldron of hatred after all.

Ms. MIKULSKI. Mr. President, the Hate Crime Statistics Act is legislation that should have the unanimous support of this body. It has passed the House-twice, overwhelmingly, and it has the support of the President. It is a bill that should pass without a rollcall except that we want our votes of support on record.

I am proud to be a cosponsor of this bill.

Mr. President, I detest hate crimes. The letter bombs sent to judges and civil rights lawyers. The vandals who attack synagogues and leave swastikas as a calling card; the club wielding gangs. I abhor racism, bigotry of all kinds, and anti-Semitism.

Hate crimes do not make victims just of individuals. Hate crimes are attacks against a whole group, a race, a religion, an ethnicity. In that sense hate crimes are an attack against all that our society stands for—freedom of speech, freedom of association and freedom of religion.

I only wish that by passing this bill we could end hate crimes. Unfortunately that will be much harder. This bill is just a beginning. Before we can hope to end hate crimes we need to know more about them. We need the statistical data necessary to understand the nature and magnitude of the problem before we can respond to it.

We keep count of just about everything in this country. The Department of Commerce counts the number of houses built, the number of highway deaths, the number of unemployed. We even know that there were 36 million fishing licenses sold in 1986. We count just about everything, but we do not have a record of crimes of prejudice.

Some would rather have us not look at this problem. They would like our statistical research to end with the vote count on the Senate floor. Some would rather not know the answers.

Why? They say that this bill is an attempt to legitimize homosexuality. They are wrong. This bill is an attempt to stop violence against people; people who are entitled by our laws to protection from violence. We cannot tolerate hate crimes. We cannot tolerate a gang of skinheads surrounding a man and beating him into unconsciousness with baseball bats because of his lifestyle? This bill says that it is not acceptable to assault people. Hate and prejudice are not acceptable. It is not acceptable to intimidate, to burn down homes, to vandalize places of worship, to kill. This is a bill that tries to safeguard the rights that all Americans have.

All people in this country have a right to be protected from violence. This is the most elemental duty of any government, to protect its citizens from bodily harm. Without this guarantee the social contract is null and void. Without this guarantee an individual can rely only upon herself, upon himself. That is not society. That is anarchy.

We must act to stop crimes of hatred because, most often, they are crimes against a minority group and if our laws cannot protect the minority we have lost the very foundation of our Nation.

Why do we hate? We hate because we fear. We fear what we do not understand. We are afraid of strangers. We are afraid of people who are different. We are afraid that they are going to take what is ours. We fear they want to change us and we drive them away because we are threatened. We hate rather than overcome fear.

This bill, in itself, will not stop hate crimes. It is a tool that we can use in the hope that in understanding the problem we can solve it.

I urge my colleagues to vote against efforts to weaken this bill.

I urge my colleagues to support this bill and the Simon-Hatch Specter amendment.

Mr. KENNEDY. Mr. President, I rise in support of S. 419, the Hate Crime Statistics Act, and urge its overwhelming passage by the Senate.

This important legislation will require the national collection of data on crimes that manifest prejudice based on race, religion, sexual orientation or ethnicity. Systematic collection of this information will assist Congress and law enforcement agencies in the critical effort to speed the day when such crimes are as uncommon as they are unspeakable.

Crimes of prejudice have always been a problem. But in the past decade, we have witnessed an upsurge in lawless acts of violence in communities throughout our country.

The well publicized incidents in Howard Beach and Forsyth County are just the tip of the iceberg.

In Brooklyn, 3 black youths were attacked and beaten by a mob of about 20 white youths.

In Georgia, the home of an interracial couple was set on fire, large rocks were thrown through the windows, and the couple was subjected to threatening telephone calls which included racial epithets.

In Los Angeles, a young man defaced a bank building with stickers containing swastikas and slogans such as "White Power".

In Fort Lauderdale, five men with baseball bats assaulted several gay men on the street.

These are only a few examples of the atrocities which have come to be labeled "hate crimes." Our law enforcement agencies, our schools, and our religious and social institutions and organizations must devote more attention and more resources to wiping out bigotry and hate crimes in our land.

Violence against any of our citizens threatens the fabric of our society, but violence motivated by prejudice against persons based on their sexual orientation, race, religion, or ethnicity, poses a special threat to the pluralism on which our Nation is founded. The Hate Crime Statistics Act will enable us to monitor the incidence of these offenses across the Nation much more accurately, so that governments at every level can formulate a more effective strategy to prevent these vicious crimes.

I urge my colleages to support this important legislation.

I also want to state my reasons for opposing the amendment offered by the Senator from North Carolina [Mr. HELMS].

The amendment attempts to place the Senate on record in opposition to extending antidiscrimination protections on the basis of sexual orientation. I strongly believe that it should be unlawful to discriminate on that basis. But I also believe that it is entirely inappropriate to attempt to tie down this important legislation with this extraneous and offensive matter.

I urge my colleagues to oppose this amendment.

Mr. HELMS. I am ready to vote if my colleagues are.

Mr. HATCH. I am prepared to yield back the remainder of my time.

Mr. SIMON. I yield back the remainder of my time on the amendment.

Mr. HATCH. Just on the amendment.

Mr. HELMS. Wait just a minute.

Mr. HATCH. We are yielding back the remainder of our time on this amendment. Will my colleague do that also?

Mr. HELMS. I thought that was not——

The PRESIDING OFFICER. All time has been yielded back on this amendment. The clerk will call the roll.

Mr. HELMS. Mr. President, I thought it would be back to back.

Mr. HATCH. They do not want them back to back.

Mr. HELMS. Suits me. Let us go.

The PRESIDING OFFICER. All time has been yielded back on this amendment.

There being no further debate, the question is on agreeing to the amendment of the Senator from Utah and the Senator from Illinois.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent on official business.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] are absent to attend the funeral of a former Governor.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced, yeas 96, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—96

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

NAYS—0

NOT VOTING—4

Dodd	Simpson
Matsunaga	Wallop

So the amendment (No. 1250) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I believe there is a 1-hour time limitation on this next amendment, is that correct, equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, momentarily I shall send an amendment to the desk pursuant to the unanimous-consent agreement reached earlier this morning, but let me tell Senators what has transpired thus far. The amendment just voted on, which I cosponsored, was offered in the hope that the amendment that I am now sending to the desk will be defeated.

I hope Senators will not mind my giving a word of advice if the attempt to defeat my amendment succeeds by virtue of Senator SIMON and Senator HATCH having offered the earlier amendment. The two amendments are not identical, and I think Senators may have some difficulty explaining a "no" vote, but that of course is up to the individual judgment of each Senator.

AMENDMENT NO. 1251

(Purpose: To provide that it is the sense of the Senate that homosexuality should not be promoted in any manner by the Federal or State government)

Mr. HELMS. Now, Mr. President, having said that, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1251:

At the appropriate place, insert the following new section:

SEC. . It is the sense of the Senate that—

(1) the homosexual movement threatens the strength and survival of the American family as the basic unit of society;

(2) State sodomy laws should be enforced because they are in the best interest of public health;

(3) the Federal Government should not provide discrimination protections on the basis of sexual orientation; and

(4) school curriculums should not condone homosexuality as an acceptable lifestyle in American society.

Mr. HELMS. Mr. President, this amendment is just as clear as I can make it. It would clarify that passage of this legislation which we have already discussed. We would make certain that this legislation does not imply in any way that Senators favor repealing sodomy laws or providing discrimination protection for homosexuals or amending school curriculums to teach schoolchildren the legitimacy and normalcy of homosexuality.

It goes without saying that Americans abhor crime. We have discussed that earlier. That certainly includes violent crime. Americans realize that crime and violence threaten the social order which in turn threatens liberty and freedom. An act of violence victimizes not only an individual; it victimizes society at large.

Now, undoubtedly, bigotry and prejudice have motivated some members of our society to perpetrate criminal acts. This has always been the case, and no matter what kind of laws of this type we pass it will continue.

Those individuals should be prosecuted and sentenced just as other criminals are prosecuted and sentenced.

Proponents of this underlying bill have argued that the Federal Government needs to spend its resources to study crimes committed against individuals because of race, religion, ethnicity or sexual orientation so that criminal penalties can be increased to discourage this type of activity in the future.

Mr. President, let me be as clear as I can and as emphatic as I can when I say that if simply gathering statistics and increasing penalties for crimes were the real intent behind this legislation, I would not be standing here on the Senate floor this afternoon.

Yet, we all know that this bill means something quite different for its proponents and the homosexual lobby.

Let me illustrate the point. The New York Native, a paper catering to homosexuals in New York, had this to say about the bill's passage in the House last year. In an article entitled, "Hate Crime Bill Passes House by a Landslide," the writer for the newspaper reported the reaction of the executive director of the Human Rights Campaign Fund, a political action committee for homosexual and lesbian rights:

The victory fuels hopes that the House will vote this year to remove the ban on gay immigrants and pay more serious attention to the federal gay rights bill. It is a logical first step, since anti-gay violence is considered the least controversial gay issue.

This agenda has been repeated time and time again in hearings on hate crimes against homosexuals.

As far back as, for example, 1986, before the Subcommittee on Criminal Justice, Committee on the Judiciary, Kevin Berrill, director of the Violence Project, National Gay and Lesbian Task Force testified on homosexual violence. Here are his proposed remedies as he stated:

I would encourage advocacy on behalf of the national gay and lesbian rights bill that has been before the Congress for a number of years. In terms of antigay and antilesbian violence this is a very important piece of legislation.

In discussing homophobic violence, a Congressman asked how organizations have challenged the Georgia sodomy statute which the Supreme Court upheld as constitutional. Mr. Berrill responded:

Repealing sodomy laws, and enacting gay rights legislation is not the only objective of those who support studying hate crimes against homosexuals. They also propose amending the school curriculums to eliminate the so-called homophobia.

In a letter submitted to the Subcommittee on Criminal Justice which appeared in the subcommittee's hearing report entitled, "Anti-Gay Violence," Kevin Cathcart, executive director of the Gay and Lesbian Advocates and Defenders, states:

Curriculum that acknowledge the existence of gay people and our contributions to society are necessary, as are programs that focus on methods other than violence for dealing with conflict. And information about gay people should not be confined to health/sex education classes but should be mainstreamed throughout the cirriculum.

Proponents of this bill claim that we need to study hate crimes against homosexuals because these crimes are underreported. Yet I find that argument unpersuasive. Underreporting is a problem but not one unique to crimes against homosexuals. According to the Bureau of Justice Statistics nearly two-thirds of crimes surveyed and about half of all violent crimes are not reported. Underreporting of crimes against homosexuals does not justify a study of such crimes.

Proponents claim that homosexuals are the target of hate crimes more than any other group in society. Yet, after studying the statistics you will find that this argument does not hold water either.

According to the homosexual groups, 90 percent of homosexuals experienced some type of victimization because of their sexual orientation. Victimization, however, is not synonymous with criminal violence. Victimization includes not only criminal threats or assaults, but also some type of harassment.

Kevin Cathcart, executive director of the Gay and Lesbian Advocates and Defenders submitted a letter attesting to his victimization. He described an awful crime that occurred to him: He was walking down the street and a child yelled at him. He yelled at him.

Now, Mr. President, I do not know anywhere in the United States where shouts—unless they are threats of imminent battery—are subject to criminal or civil penalties.

However, these are the types of things that Mr. Cathcart and other advocates of this bill have used to trump up the crimes against homosexuals.

The evidence is clear, Mr. President. Studying hate crimes against homosexuals is a crucial first step toward

achieving homosexual rights and legitimacy in American society.

This Senator cannot, and will not, be a party to any legislation which fuels the fire of the homosexual movement.

If homosexuals want to be studied, that is fine. But I do not think this Congress should be sending the message that studying hate crimes against homosexuals is synonymous with condoning their behavior.

So the purpose of this amendment, I believe is quite clear, it will provide Senators with the opportunity to inform their constituency whether they support or oppose repealing sodomy laws; providing discrimination protections to homosexuals and lesbians; and whether they support amending school curriculums to legitimize the homosexual lifestyle.

Obviously, I urge adoption of this amendment.

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. CRANSTON addressed the Chair.

Mr. SIMON. Mr. President, I yield 2 minutes to the Senator from California, Senator CRANSTON.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. I thank my friend from Illinois very much.

Mr. President, I rise in opposition to the proposed amendment. The amendment of the Senator from North Carolina is not designed to improve or change the provisions of the bill relating to the collection of hate crimes data. It is not designed to help us deal with the problem of hate crimes. In fact, the amendment would do exactly the opposite.

Simply put, Mr. President, this amendment should be rejected because it sends the wrong message. This amendment suggests that hate crimes against gays and lesbians are not as reprehensible as crimes against racial, ethnic, or religious minorities. Clearly, this undermines the purposes of this legislation.

We have just adopted the Simon/Hatch amendment which makes it clear that this bill is not about promoting or encouraging sexual activity.

This legislation will simply provide us with the information we need to stop the growing incidences of hate crimes in this country. And there are more and more of those abominable hate crimes of one sort or another.

It is clear that the victims of hate include racial and ethnic minorities, religious minorities, as well as gays and lesbians. In fact, from the information that has been collected by private organizations, we know that crimes against gays and lesbians are a very substantial problem. Thus, it makes perfect sense that our data collection effort include hate crimes perpetrated against gays and lesbians.

Mr. President, this legislation merely requires the collection of data; nothing more. It does not encourage and it does not promote any kind of sexual activity. Indeed, the Federal Government has no business promoting sexual activity of any kind, homosexual or heterosexual. If this bill did promote sexual activity, I would not support it.

To imply that collecting data on hate-based crimes encourages such behavior is, of course, obviously and absolutely preposterous. We should be sending a clear signal by passing this bipartisan bill, reported by the Judiciary Committee, that all hate crimes, must be stopped. We should not confuse that message by adopting the Helms amendment. I oppose this amendment. I urge my colleagues to vote against it also.

I thank the Senator from Illinois for yielding me that time.

Mr. SIMON. Mr. President, I yield myself 2 minutes.

The Senator from North Carolina is preoccupied with one part of this bill. Hate crimes are against all kinds of groups. They are against Jewish Americans, African Americans, Italian Americans, Polish Americans, Catholic Americans, Mormon Americans—you name the groups. Let us find out to what extent we have a problem.

I think we have dealt with the problem that Senator HELMS addresses in his amendment in a constructive and a positive way in the amendment that Senator HATCH and I proposed, which was adopted overwhelmingly just a few minutes ago.

We should encourage American families. We said no funds can be used under this act to promote homosexual activity or any other kind of sexual activity. I think the constructive way of dealing with this is much to be preferred. I am going to join my colleague, Senator HATCH, as well as the minority leader, Senator DOLE, in voting against this particular amendment.

I yield to my colleague from Utah such time as he may wish to consume.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am going to vote against this amendment. I think that we have basically covered the worries of the distinguished Senator from North Carolina in the amendment that I and Senator SIMON filed, which was passed, as I recall, unanimously. Frankly, we have addressed this general issue in the Hatch-Simon amendment, and we did it, in part, with this language:

Nothing in this act shall be construed, nor shall any funds appropriated to carry out the purpose of the act be used, to promote or encourage homosexuality.

I think we have addressed the interests of the distinguished Senator from North Carolina in putting that in there.

By the way, I might add, our amendment is not just a sense-of-the-Senate amendment, as is the amendment of the distinguished Senator from North Carolina. Ours is a real amendment with real substance which says that nothing in this bill promotes homosexuality. Legislation in the form of sense of the Senate, which the distinguished Senator from North Carolina has offered here, is not really needed in this bill.

I hope our colleagues will vote this amendment down.

I do not know about the distinguished Senator from North Carolina, but the people who have contacted me—I have not had one homosexual contact me, that I have known of, to push this bill. I remember the American Jewish Committee contacting me; the Lutheran Office for Governmental Affairs; and the Mexican-American Legal Defense and Education Fund, they contacted us; the National Black Police Officers Association; the National Association for the Advancement of Colored People; National Council of Churches; National Urban League, and I can give you dozens of others, unrelated to homosexuality, who think this is a wonderful thing, who believe we need to do what we are doing here, who want this bill because they know it may be the only way we are going to get to the bottom of the hate crimes which are hurting our society.

I think that we have solved the problems of the distinguished Senator from North Carolina and, therefore, I am going to vote against his amendment, and I hope our colleagues will consider doing the same.

Mr. ADAMS. Mr. President I rise to oppose the amendment of the Senator from North Carolina and to support the Hate Crime Statistics Act.

Mr. President, I do not understand what the Senator from North Carolina is trying to do and what his amendment has to do with the legislation in front of us.

This act does not say you have to like homosexuals. It does not promote or encourage homosexual behavior. It does not provide any new rights or privileges for any group.

It simply says we ought to collect statistics on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity.

I do not understand what the Senator's amendment has to do with the substance of this bill. Bias motivated attacks have become all too frequent in this country. This bill sends a strong message that we do not tolerate

hate crimes and we want to do everything we can to stop them.

The Senator from North Carolina says this bill is the homosexual's bill. All the bill says is that the Justice Department ought to keep statistics when someone decides to kill, rape, beat up, or harass a gay man or lesbian, just as it says we ought to keep statistics when a Jew is beaten up or a swastika is painted on a temple or when a cross is burned on a black family's lawn.

These and other hate crimes share essentially the same character: All are motivated by hatred, ignorance, and bigotry. We all stood up and applauded last week when the President of the United States said we could not tolerate bigotry in this country. Today we have a chance to stand up and vote against hate and bigotry.

I hope we will stand with President Bush and 60 of our colleagues who cosponsor this bill, and vote against Senator HELMS' amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. I yield to the distinguished minority leader such time as he uses.

Mr. DOLE. Mr. President, judging by what I have read in the newspapers lately, it appears that the need for the Hate Crime Statistics Act has never been greater.

THE TIMELINESS OF THE BILL

We have all heard the horrifying story of the letter bomb that killed Judge Robert Vance of the 11th circuit—a cowardly act committed by a cowardly person. Judge Vance's only crime was that he happened to agree with the NAACP in a case argued before his court.

We are all familiar with the tragedy of Michael Griffith and Howard Beach. We have all heard about the despicable acts of the so-called skinheads. And some of us have actually seen the swastika spray painted on the synagogues and churches of our local communities.

According to a recent report from the Anti-Defamation League of B'Nai B'rith, there were 1,432 incidents of antisemitic vandalism and harassment in 1989. This number represents a 12-percent increase over 1988. It also represents the highest number of antisemitic incidents ever recorded during the ADL report's 11-year history.

THE BILL'S PROVISIONS

The Hate Crime Statistics Act is an important first step in the effort to combat, and hopefully reduce, the number of hate-related crimes committed in this country. By requiring the Attorney General to actually collect and publish hard data on hate-related crimes, the bill will allow our State and local police forces to get a better handle of the hate-crime problem. As a result, the police will be able to rely on hard facts, not on anecdotes and newspaper accounts, when deciding how best to target their limited resources against the racists and other hate mongers.

SOME IMPORTANT SAFEGUARDS

I want to emphasize, however, the truly limited focus of the Hate Crime Statistics Act. The bill would not create any entitlements, nor would it create a cause of action for the victim of an act of discrimination. The bill simply directs the Attorney General to collect information. Period.

Furthermore, the bill contains an important privacy safeguard. It prohibits the Attorney General from collecting any data that would reveal the personal identity of an individual hate-crime victim. The privacy of all crime victims must be respected, and the bill recognizes the need for these privacy protections.

I know that a few of my colleagues are concerned that the bill will somehow promote homosexuality. I believe that the Hatch-Simon amendment properly addresses this concern by emphasizing that nothing in the bill should be construed to promote or encourage homosexuality. The amendment also provides that no funds appropriated to carry out the act shall be used for this purpose.

Mr. President, the Hate Crime Statistics Act is a prudent, rational, and targeted response to the apparent increase in hate-crime violence in this country. I am proud to be a cosponsor of this legislation, and I urge my colleagues to support the bill with their votes.

Last year, I received a letter from the Assistant Attorney General for Legislative Affairs announcing the Justice Department's formal endorsement of the Hate Crime Statistics Act. I ask unanimous consent that the full text of this letter be printed in the RECORD immediately following my remarks.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC., July 27, 1989.

Hon. ROBERT DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR MR. LEADER: This letter expresses the Department of Justice's unqualified support of S. 419, the "Hate Crimes Statistics Act," as reported by the Committee on the Judiciary. While our earlier letter to the Committee had endorsed the concept behind the bill, but expressed some reservations regarding the bill itself, those concerns have been addressed. Specifically, the Attorney General has been given sufficient discretion to establish guidelines for the collection of the required data, and the list of crimes in the bill is designed to conform to the updated Uniform Crime Reports.

The Department of Justice, therefore, urges speedy passage of this legislation.

The Office of Management and Budget has advised this Department that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. I yield 2 minutes to the Senator from California.

Mr. WILSON. Mr. President, I do not think I will need that much. I will just state simply that there should be no place in American life for prejudice. But at the very least, when that prejudice escalates to violence, it is absolutely unsupportable. There is no justification for crime against any American.

If this measure, in its collection of statistics, assists law enforcement to any degree in fighting to stamp out the kind of violence that is directed against particular groups, for whatever reason, then it deserves our support. It is that simple.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I yield back my time.

How much time does the Senator from Pennsylvania wish?

Mr. HEINZ. Two minutes.

Mr. SIMON. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I rise to speak in support of the Hate Crime Statistics Act, S. 419.

With frightening regularity, we hear reports of physical and psychological attacks on individuals who were targeted simply because of the color of their skin, religious beliefs, sexual preference, or ethnic background.

Hate crimes are intolerable because they injure not only their immediate victims but spread fear throughout an entire community. Few events are as repulsive, or as antithetical to the rights and liberties on which this Nation was founded, as are acts of violence and harassment fueled by bigotry.

The Hate Crime Statistics Act is a modest measure. Its sole purpose is to provide up to date information about this serious problem. The bill would require the Department of Justice to annually collect and publish data on crimes motivated by bigotry.

Collecting this data will provide previously undocumented information that should help policy makers, and law enforcement officers combat these offenses. It is important to stress that this legislation does not expand the rights of any group of citizens. Instead, it calls for the collection of data

in order that all people may be protected equally under the law.

The origins of organized hate violence in the United States can be traced to Reconstruction. In 1865, the Ku Klux Klan was formed and began its use of terrorism to intimidate and prevent blacks from exercising their constitutional right to vote and to hold public office.

Today, the Klan and other hate groups such as the White Aryan Resistance and the Skinheads are more sophisticated. These groups are highly organized, actively recruiting our youth, and attacking not only blacks but other minorities and religious groups as well. Recently, the Skinheads, a rapidly growing, white supremacist youth movement, have been charged with murder in Oregon, Nevada, and California.

Moreover, there is evidence that the public's fear and lack of information about AIDS are causing an increase in attacks against those persons perceived to be homosexuals. Recently, in Bucks County, PA, two men were convicted of first degree murder because they slit the throat of a man after they decided he was homosexual.

Furthermore, a report by B'nai B'rith found that rightwing extremists committed more hate crimes, involving anti-Semitism, between 1984-87, than in the previous 20 years combined. Two years ago, in Harrisburg, worshippers at Kesher Israel Synagogue arrived to celebrate the Jewish sabbath and found their temple desecrated with swastikas, and slogans saying "Death to the Jews."

We must know more about these abhorrent forms of intimidation and violence if we are to work effectively for their elimination. That is why the Hate Crime Statistics Act is a necessary first step. By directing the Justice Department to gather information about hate crimes, we will demonstrate that our nation will not tolerate or condone crimes fueled by racism and bigotry.

I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. They have already been asked for and granted.

Mr. HATCH. On the bill itself?

The PRESIDING OFFICER. Yes.

Mr. HATCH. I ask unanimous consent that it be in order to have the yeas and nays on the House bill.

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

Mr. HATCH. 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. HATCH. Mr. President, I yield back the time.

The PRESIDING OFFICER. Are there any further amendments? The Senator from North Carolina.

Mr. HELMS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes and 6 seconds.

Mr. HELMS. I say again that I do hope Senators will read the pending amendment upon which we are about to vote and figure out for themselves what they are going to say when their constituents raise questions about it. We are talking about repealing sodomy laws, which is a goal of the chief advocates of this legislation, the gay-lesbian community.

So Senators can vote as they wish. They can vote up or they can vote down. But I think the meaning of the amendment is very clear.

If the other side is willing to yield back its time, I will yield back my little bit.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Illinois.

Mr. SIMON. 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. HATCH. 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. HATCH. Mr. President, I yield back whatever time I have remaining.

Mr. HELMS. I yield back my time.

Mr. SIMON. Mr. President, I yield back my time.

The PRESIDING OFFICER. Without objection, all time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent on official business.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] are absent to attend the funeral of their former Governor.

I furthern announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

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

The result was announced—yeas 19, nays 77, as follows:

[Rollcall Vote No. 12]

YEAS—19

Armstrong	Helms	Reid
Breaux	Humphrey	Rockefeller
Bryan	Johnston	Shelby
Byrd	Lott	Symms
Coats	Mack	Thurmond
Gramm	McClure	
Heflin	Nickles	

NAYS—77

Adams	Ford	McCain
Baucus	Fowler	McConnell
Bentsen	Garn	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Bumpers	Hatch	Pell
Burdick	Hatfield	Pressler
Burns	Heinz	Pryor
Chafee	Hollings	Riegle
Cochran	Inouye	Robb
Cohen	Jeffords	Roth
Conrad	Kassebaum	Rudman
Cranston	Kasten	Sanford
D'Amato	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Simon
DeConcini	Kohl	Specter
Dixon	Lautenberg	Stevens
Dole	Leahy	Warner
Domenici	Lieberman	Wilson
Durenberger	Lugar	Wirth
Exon	Matsunaga	

NOT VOTING—4

Dodd	Simpson
Levin	Wallop

So the amendment (No. 1251) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, over the last couple of months hate crimes seem to have been on the rise. A group of Satan worshipers broke into the Yeshiva Boys School of Greater Washington in Silver Spring, MD, on the fifth night of Hanukkah and did hundreds of thousands, if not millions, of dollars worth of damage. They scrawled the word "Satan" on the chalkboard. They demolished lockers, television sets, computers, doors, windows and bookshelves. Why? In their own words, they "did it for Satan." As they describe it, "basically we were going to destroy a school, or a church, or a temple. Whatever. Something religious. It didn't matter which."

Why did they do it? They did it because they hate those who are religious. Because they hate Jews. Can they explain their destructive acts? Not in any rational way. They just hate. They do it to vent a hatred that is irrational and wrong.

Some sick group of racists calling themselves "Americans for a Competent Federal Judicial System" has killed a Federal judge and a civil rights lawyer in the name of hate. In the most cowardly way, they sent letter bombs through the mail and

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killed Judge Robert S. Vance while he was at home with his wife. They killed Robert Robinson, an alderman and civil rights lawyer in Savannah, GA. This group tried to kill others, but thankfully, these bombs were disarmed.

I believe that it is very important to collect statistics on where, when and how often these crimes which are motivated and fueled by hate occur. The argument that we cannot define whether a crime was motivated by prejudice is belied by experience. Eight States collect the data now: Connecticut, Illinois, Maryland, Minnesota, New Jersey, Oklahoma, Pennsylvania, and Virginia. The American Psychological Association has suggested a series of criteria for determining them.

Under this bill, "the Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice * * * " I trust Attorney General Thornburgh. I think he will be careful in devising his criteria. Mr. Thornburgh himself is certainly not opposed to this bill or unduly daunted by the task. On January 8, Martin Luther King Day, Mr. Thornburgh said the following: "We will seek passage of the Hate Crime Statistics Act now before the Congress so that we can gain a better grip on the full dimension of the rampant violence attending hate crimes."

This bill will encourage members of minority groups who are intimidated by violent acts of hatred to report these crimes when they occur. That is important. We cannot allow the intimidating tactics of criminals to force victims to keep quiet. The intimidation would then serve the purpose of its perpetrators. This bill is a symbol that we care about those who have been victimized by hate.

Many of the issues that we face here have two sides. They are complex. They are subtle. Often, they are difficult to come to grips with. But, this issue is not. Hate is wrong. Murdering someone because they are black or because they have helped a black is wrong. Destroying someone's school during their most joyous religious holiday is wrong. Defiling someone else's religious property with the word "Satan" is wrong.

President Bush gave us a mission in his State of the Union Address. "Every one of us must confront and condemn racism, anti-Semitism, bigotry, and hate. Not next week, not tomorrow but right now. Every single one of us." President Bush's words moved me. To me, they were one of the most important lines in his speech. This is the first step. We must understand the problem and its breadth before we can conquer it.

I will note for this bill, and I thank my distinguished colleague from Illinois [Mr. SIMON] for agreeing to allow me to become a cosponsor.

Mr. KOHL. Mr. President, in the last 100 years America has made great strides toward achieving real equality in our society. We can be proud that we have ended a shameful history of intolerance: no more Jim Crow, lynchings, or so-called literacy tests to vote. No more signs saying "Whites Only" and "No Irish Need Apply." But though we have traveled far, we still have far to go.

In Michigan, a Chinese-American was bludgeoned to death with a baseball bat. In Oregon, skinheads attacked and killed an Ethiopian man; again, the weapon was a baseball bat. In Howard Beach, NY, a young black man was struck by a car and died after being chased onto a busy parkway by a mob of white youths. In Georgia, someone spraypainted the words "Niggers and Jews, We're Coming For You" across the wall of a Yeshiva. In Texas, Vietnamese fishermen and their families have been harassed and beaten. Even today, the FBI is on the trail of a racist mail-bomb murderer.

In 1988 alone, the group Klanwatch received reports of such hate-motivated incidents in 35 States and the District of Columbia. According to Klanwatch, 27 percent were directed at Jews, 56 percent at blacks and 17 percent at others. And the Anti-Defamation League of B'nai B'rith reports that incidents of anti-Semitic harassment skyrocketed by 41 percent and that incidents of anti-Semitic vandalism rose by 19 percent from 1987 to 1988.

These groups do a commendable job in attempting to track hate crimes, but they have limited resources and often must rely on voluntary reports. Some State police departments also collect these statistics. But without truly national data on crimes motivated by race, religion, sexual orientation or ethnicity, it will remain easy for many to contend that we don't have a problem.

The Hate Crime Statistics Act is simple, effective and straightforward. The act would direct the Justice Department to set guidelines and then acquire data on hate crimes in America, just as it now tracks and collects data on murders, rapes and assaults. This additional information will help our law enforcement officers more effectively confront hate-mongering organizations and hate crimes in their jurisdications. And it will also help us monitor our progress toward becoming an America that's unified, dignified, unafraid and free.

Mr. President, I urge my colleagues to support this crucial legislation.

Mr. MATSUNAGA. Mr. President, as a cosponsor of S. 419, I rise in support of the bill, and urge its passage by the Senate.

A relatively modest measure, the Hate Crime Statistics Act would merely require the Attorney General of the United States to collect and disseminate statistical data related to crimes based on race, religion, ethnicity, or sexual orientation. While the number of such crimes appears to have increased in the last decade, the Federal Government has no formalized reporting system so that the Nation's law enforcement officers and others might begin to formulate remedies.

Asian Americans, a relatively small minority in our population, are disproportionately likely to be victims of racially motivated crime. While statistical data relating to Asian Americans is hard to come by, communities that do keep records report that Asian Americans in Los Angeles County were victims in 24 percent of all racially motivated crimes in 1986—a 10-percent increase over 1985. In Boston, where Asian Americans constitute only 3 percent of the population, they were victims 33 percent of the time in racially motivated crimes in 1986. The city of Chicago also reported a substantial increase in crimes against Asian Americans between 1985 and 1989.

I cite this information concerning Asian Americans only as an example, Mr. President, knowing full well that larger and more visible minority groups may have suffered even more as the result of the increase in hate crimes. I believe that S. 419, if finally enacted, would help us identify patterns that exist—a first step in our effort to get a grip on the problem. For this reason, I urge a favorable vote on S. 419.

Mr. CONRAD. Mr. President, I rise today to make a brief statement in support of the Hate Crime Statistics Act of 1990. I have joined five of my colleagues as a cosponsor of this important legislation.

This legislation enjoys broad-based bipartisan support. Senator SIMON has worked tirelessly to get this legislation to the floor; the administration has also signaled their support for the legislation.

The bill directs the Attorney General to collect data about crimes motivated by race, religion, ethnicity or sexual orientation for the next 5 years. The bill does not create any new substantive rights; it allows the collection of the data for statistical use only.

What we are talking about here, Mr. President, is violence and intimidation. Violence and intimidation that is directed at individuals purely because of their racial, religious, or sexual orientation.

Mr. President, our Nation appears to be experiencing an increase in this

type of horrible crime—from Howard Beach to the mail bombings in the South. Yet, Mr. President, we have no way of knowing national comprehensive statistics on these crimes.

Mr. President, I thank my colleague, Senator SIMON, for all his work on this issue. I urge my colleagues to heed the call of many in this country and quickly pass this legislation.

Mr. BIDEN. Mr. President, I am pleased to speak in support of S. 419, the Hate Crime Statistics Act. I am an original cosponsor of the bill and as chairman of the Judiciary Committee, which considered S. 419, I worked with my colleagues to ensure prompt review of this important bill.

The incidence of hate crimes is widespread and increasing. We need this bill to provide comprehensive, up-to-date national statistics on the incidence of hate crimes. The collection and publishing of data about hate crimes will allow us to begin to effectively combat this alarming problem. In addition, it will send a signal to victimized groups everywhere that the U.S. Government is concerned about these crimes.

The Senate Judiciary Committee reported out this bill unanimously. I am pleased that the full Senate is going to vote on S. 419. The Senate should promptly pass S. 419, so that we can begin to develop effective strategies and solutions to deal with the problem of hate crimes.

Mr. GRASSLEY. Mr. President, this is a well-intentioned bill, with straightforward and laudable goals. It is aimed at something we all deplore. It requires the Department of Justice to collect data on what are referred to as "hate crimes". For the reasons described below, I find the bill, at best, unworkable.

Identifying the motivation for any crime is often an elusive target. Perhaps the bill sponsors—like a former Supreme Court Justice used to say with regard to pornography—think they "know it when they see it." Indeed, a colloquy I had with the sponsors of S. 419 at our Judiciary Committee business meeting of March 9, made this deficiency quite evident.

Of course, we can all sport the obvious cases that are the target of this measure—the swastika on a synagogue; a cross-burning on the lawn of a black family's home. I am just as certain that these acts should be prosecuted to the fullest extent of the law.

Indeed, we sent a strong signal to the perpetrators of such acts just last Congress when we passed the religious violence bill, Public Law 100-346, which imposes criminal penalities for acts of violence intended to interfere with the free exercise of religion.

These prosecutions will go forward—with or without the enactment of S. 419—as they should, because Attorney General Thornburgh is committed to vigorous enforcement of this new statute.

But we should be extremely cautious about characterizing an offense, or implying a motive, simply based on the race, religion, sexual orientation, or ethnicity of the principals, without a careful assessment of the facts of each incident. While judges and juries sometimes make findings on the motivation for criminal acts, motive is not an element of the offense. Moreover, only a relatively handful of criminal prosecutions even make it to a jury, where some evidence of motive may be presented.

S. 419 broadly delegates to the Attorney General the mandate to establish guidelines on what is a hate crime. Thus, it implicitly concedes that determining motivation for certain acts is not readily apparent. Significantly, for a bill entitled, Hate Crime Statistics Act, it does not require that prejudice be the sole—or even primary—motivation for the crime.

Indeed, S. 419 is completely silent on the quantum of evidence needed to show manifest evidence of prejudice: Must the prejudice be the sole, primary, or at least 50 percent cause of the act of violence? If not, it appears that any evidence, or just some evidence, or prejudice—even if rebutted by other credible evidence—would be enough to presume the incident as a hate crime.

My suggestions to require prejudice to be the predominant cause of the incident, or to otherwise tighten up the causal relationship between demonstrated prejudiced and the criminal act, were rebuffed by the bill's sponors in the Senate Judiciary Committee.

Mr. President, the language of S. 419 is not susceptible to clear understanding. Nor does S. 419 specify the method for collecting data, or what branch of the Justice Department would conduct the study. I understand that the Justice Department has not objection to this latest formulation, though perhaps we should not be surprised that they would favor such a wide delegation of discretion. However, I confess to some discomfort with this type of legislating—of simply delegating to the executive what ought to be a legislative determination.

This is part of a larger, and most disturbing trend in the legislative branch. We pass many bills calculated to make us feel good, but without any standards or guidance to the executive about how to execute them, or the judiciary about how to interpret them. Of course, Congress is heard loud and clear when the executive or the courts can not read our minds to our satisfaction.

Perhaps S. 419 could not be drafted with more precision. Perhaps this is something totally within the purview of the Justice Department. But that only underscores the reason not to proceed by legislation—particularly in this case, where the executive has already agreed to collect the data.

Finally, although recognizing that S. 419 has been approved by the Judiciary Committee, I must reiterate that its lack of objective evidentiary standards and excessively broad delegation of authority remains very troublesome.

Mr. THURMOND. Mr. President, today, the Senate is debating S. 419, the Hate Crime Statistics Act, which directs the Attorney General to collect data about certain crimes "that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity."

Let me make it clear that I do not advocate or condone prejudice in any form. Prejudice is unacceptable, especially when it appears in the form of violence. Furthermore, I voted to report the bill when it was reported from the Judiciary Committee last March. However, I would like to express certain concerns that I have with regard to this legislation. Specifically, I am concerned about the standard for collecting the data and the cost of the data collection.

First, with regard to the standard, the bill requires that data be collected about certain crimes which manifest prejudice. I was concerned that such a vague standard without further definition could lead to the collection of unreliable data which could be misused. The Constitution Subcommittee, in amending this bill last Congress, required the Attorney General to establish guidelines detailing the criteria for a finding of manifest prejudice and procedures for collecting the statistics. Although this bill does not include an exact definition of manifest prejudice, I believe that the establishment of guidelines will ensure that data which is eventually corrected will be more reliable.

Notwithstanding these improvements to the bill, I am concerned about the reliability of data concerning crimes of intimidation. My concerns stem from the fact that the bill provides no definition for a crime of intimidation, and that it is difficult to determine when an individual has intended to intimidate another or when a person had actually been intimidated. In fact, there is no general crime of intimidation in Federal law. Therefore, when the Department of Justice formulates its guidelines for the crime of intimidation, they should be drawn narrowly so as to ensure legitimacy of the data.

Second, with regard to the cost of the legislation, it has been estimated that the cost of this study could range from $1 million to $10 million annually. The Congressional Budget Office stated in its cost estimate that it is impossible to find a precise estimate of

the costs until the procedures for collecting the data have been established. Some have argued that cost should not be a factor and that those who question cost are not committed to wiping out prejudice in this area. Nothing could be further from the truth. In this time of necessary fiscal restraint, such a question is entirely appropriate. It should be made clear at this point that there is no precise estimate as to how much this bill will cost.

As I stated earlier, I voted to approve the bill in committee and I intend to vote for final passage. However, I wanted to make my concerns with regard to this legislation clear for the record.

Mr. KERRY. Mr. President, I rise today in strong support of S. 419, the Hate Crime Statistics Act and am proud to be an original cosponsor. The bill represents an important first step in out attempt to effectively deal with crime, as well as ethnic and racial prejudice in our country. It directs the Department of Justice to collect and publish data on crimes which manifest prejudice based on race, religion, ethnicity, or sexual orientation.

Why is this legislation necessary? Unfortunately, Mr. President, because prejudice and violence often go hand in hand. Violence based on racial, ethnic, religious, and sexual stereotypes is still too often a disturbing reality here in America. The violent murders at Howard Beach, NY, the Ku Klux Klan rally in Forsyth County, GA, the Ethiopian immigrant who was beaten to death with a baseball bat in the State of Washington, and the synagogue that was desecrated with swastikas in Marblehead, in my own State of Massachusetts—provide an unpleasant reminder of this fact. More disturbing, these examples are only a sampling of the type of crimes directed toward minorities across the United States.

For example, in 1988, there were 1,281 documented incidents of anti-Semitic bias crime, an increase of 41 percent since 1986. In my home State of Massachusetts, anti-Semitic vandalism incidents increased 171 percent between 1988 and 1989 and in that same time period, overall anti-Semitic incidents including harassment, threats and assaults, increased 81 percent.

Mr. President, our country is one blessed with a rich ethnicity, spanning the decades and forming the foundation of the ideals we stand for. Unfortunately, however, ours is a country threatened with deep ethnic and racial animosities. It is these animosities that the legislation before us attempts to address.

Gay people in America have also frequently suffered from prejudice based on stereotypes. And that prejudice has often led to violence against gays in our cities. Along with the devastation that AIDS has produced on the gay community in the United States, has come an increasingly devastating upswing in prejudice and discrimination against gays. And with that prejudice has also come violence against gay men and women.

A report released on June 7, 1989, by the National Gay and Lesbian Task Force documented 7,248 antigay episodes in 1988—ranging from harassment to homicide—in 38 States and the District of Columbia.

According to the task force's report, in 1988, "two lesbians in Brockton, MA, were beaten unconscious by the ex-boyfriend of one of the women. As a result of the attack, one of the women sustained five skull fractures and required extensive reconstructive surgery. According to the victims, the assailant continually harassed them after he learned of their involvement, spraying antilesbian graffiti on their house and smashing a car windshield."

Mr. President, this type of hatred and bigotry cannot be tolerated. We must speak up today against prejudice and violence directed at ethnic minorities, religious minorities, and homosexuals. We must show those members of our communities that we will not tolerate the violation of our laws and the smearing of our Constitution out of hate and ignorance. We must stand in support for civil rights for all Americans. Countenancing this type of hatred leads to an erosion of the trust and good will in all of our communities. It leads to an erosion of the fundamental principles of our country. It cheapens what our flag stands for, and what American men and women have died for.

The Hate Crime Statistics Act will establish a basis by which we will be able to analyze and quantify more accurately the frequency and extent of crimes of hate in this country. It will establish a data base, to be used for research or statistical purposes. In order to begin to combat hate crime, we must know more about where it is happening, and about who the offenders are. We must zero in on the problem, and isolate where it is flourishing. Only then can we begin to effectively control and eradicate crimes of violence toward racial and religious minorities.

Mr. President, as we consider the impact of this legislation, we should also recall the words of Pastor Martin Niemoeller, and his comments on the Nazi Holocaust. Pastor Niemoeller said, "When Hitler attacked the Jews * * * I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic and therefore I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then Hitler attacked me and the Protestant Church, and there was nobody left to be concerned."

I reiterate my support for the Hate Crime Statistics Act and urge its immediate passage.

Mr. D'AMATO. Mr. President, with passage today of the Hate Crime Statistics Act, we insert in the national quiver one more arrow with which to battle bigotry. As an original cosponsor, and as a Senator representing America's cornucopia of peoples—New York State—I am gratified to witness passage of this measure.

The Hate Crime Statistics Act directs the Attorney General to collect and publish statistics indicating the nature and extent of crimes motivated by bigotry and based on hate for certain racial, ethnic, and religious groups, among others. It may come as a surprise to many that at present no such collection effort is mandated. Data on hate crimes is collected, at best, in a haphazard and sporadic manner, exclusively on the State and local level. This legislation will assure, henceforth, the prosecution of a coordinated and centralized data collection effort.

If America is to preserve its cultural, ethnic, and religious diversity, we must continue our vigilance against those who blemish our cultural fabric. To effectively deal with these vestiges of bigotry, it is time we substitute our reliance on anecdotal evidence with hard data. This data will serve as an important tool in a campaign of public awareness, and will bolster the power of bully pulpits nationwide.

The wide margin by which this measure was adopted demonstrates the deep concern this body has for the integrity of diversity in America.

Mr. President, be it a swastika painted on a synagogue or a cross burned on a lawn, hate crimes must not be tolerated. Today we send a message across the land.

● Mr. DODD. Mr. President, I regret that my duties as a member of the Carter delegation to monitor the Nicaraguan elections preclude my presence during Senate consideration of the Hate Crime Statistics Act. If I were present, I would vote in favor of passage of this important legislation.

An individual's race, religion, sexual orientation, and ethnicity are key elements of his identity, and hate crimes not only cause bodily harm, but attack individuality and self-worth as well. A society which values diversity as ours does should be free of such threats, and we must take whatever steps are necessary to eliminate hate crimes.

It is my hope that the Hate Crime Statistics Act will prove to be a valuable first step in this effort. The act would result in the collection of data regarding the incidence of crimes of murder, nonnegligent manslaughter, forcible rape, assault, intimidation,

and vandalism motivated by prejudice against the victim's race, religion, sexual orientation, or ethnicity. By collecting such information, police should be better able to prevent future hate crimes from occurring.

I commend Senators SIMON and HATCH for their leadership in steering this valuable antiprejudice measure through the Senate.●

Mr. SPECTER. Mr. President, today the Senate considers the Hate Crime Statistics Act, which addresses one of the most heinous forms of criminal conduct—incidents against individuals or property motivated by hatred based on race, religion, ethnicity, or sexual orientation. I am pleased to be an original cosponsor of this important legislation.

In recent years, there has been an alarming resurgence nationwide of crimes based on bias or hatred of individuals or groups, which in my sense, threatens the peace and tranquility of all society. The pending bill is designed to address this disturbing trend on the Federal level by developing a data base from which to determine the extent, severity, and location of the activity. Surprisingly, there currently are no comprehensive, accurate, and up-to-date statistics on the national incidence of hate crimes. Although several States have passed legislation directed at bias crime, the types of statutes enacted vary in their provisions and potential effectiveness. Therefore, this bill directs the Attorney General to collect and publish annually data about crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity.

Mr. President, crimes based on hatred vary in form and target victims indiscriminately. An October 1987 report commissioned by the Justice Department's National Institute of Justice concluded that the incidence of bias crimes based on race, religion, national origin, or sexual preference are widespread and increasing. The study found that such crimes may be turning more violent, and that, as compared with the past, a larger proportion of incidents involve personal injury as opposed to vandalism. The report noted that the most frequent victims of hate violence today are Jews, blacks, Hispanics, Southeast Asians, gays, and lesbians.

As district attorney of Philadelphia between 1965 and 1974, I witnessed firsthand these atrocious crimes on a regular basis, and I am deeply concerned that in 1990 they are on the rise. In January 1990, the Anti-Defamation League of B'nai B'rith reported that anti-Semitic incidents for 1989, totaled 1,432, the highest number reported by the organization since it began collecting these figures 11 years ago and an increase of 12 percent over 1988. According to the report, harassment, threats, and assaults totaled 587, a 28-percent increase over 1988.

Ethnic and racial groups such as Asians and black Americans continue to be targets of activity by neo-Nazi and white supremacist groups such as the "skinheads." In June 1988, the Klanwatch project of the Southern Poverty Law Center reported a range of black racial incidents involving cross burnings and "move-in" violence, in which victims are targeted because they are a racial minority when moving into neighborhoods.

Mr. President, our criminal justice system captions criminal cases as "the Commonwealth versus Defendant," or "United States versus the Defendant" because the crime is not only directed at the individual, but ultimately is directed at society as a whole. When criminal conduct, however, is based on racial or religious hatred it is doubly reprehensible and destructive. I believe that this bill is an important step toward identifying the nature and form of this activity. Developing a workable system within the Department of Justice will enable the Attorney General, working with the States, to determine appropriate guidelines to target and combat these crimes.

Accordingly, I urge my colleagues to support this vital legislation.

Mr. MOYNIHAN. Mr. President, I am pleased to rise in support of the Hate Crime Statistics Act which Senator SIMON has valiantly championed and which I was proud to cosponsor.

The bill, which was favorably reported by the Senate Judiciary Committee, would require the Attorney General of the United States to gather data about crimes involving prejudice based on race, religion, sexual orientation, or ethnicity.

That these violent crimes occur, and with increasing frequency, is an alarming and disquieting fact. The collection of this data by the Federal Government will give us a better idea of the scope of the problem and will be a first step toward understanding why such crimes occur.

A study prepared by Abt Associates of Cambridge, MA, for the U.S. Department of Justice in 1988 reported:

> For New York City, the total number of reported bias crimes for the first six months of 1987 was double that for all of 1986. There is also some evidence that bias crimes may be turning more violent. The National Organization of Black Law Enforcement Executives (NOBLE) found that whereas vandalism was still the most common offense reported by victims of hate crimes nationwide, 44% reported assaults, 25% reported arson incidents, and nearly 15% reported at least one homicide.

Blacks and other people of color, Jews, gays, and lesbians are most often the victims of such violent crimes. For one simple reason. Hate. The Washington Post reported on the increase in bias-related crime on October 8, 1989, describing a "surge" in incidents around the country.

Just this past month, Mr. Zappalorti of Staten Island, NY, was brutally murdered steps from his home. Why? Because he was perceived, not even known to be, gay.

To end hate-motivated violence we must understand it; to understand it we must know where and how often it occurs. S. 419 will provide the Justice Department and the FBI with the kind of data necessary for Federal, State, and local governments to implement effective policies to combat and to educate people about vicious and shameful acts of hate-motivated crime.

We will not tolerate such attacks on individual liberty and I would urge my colleagues to join me in supporting this legislation.

Mr. GRAHAM. Mr. President, I rise today in support of the Hate Crime Statistics Act. I was a cosponsor of this legislation in the 100th Congress and am a cosponsor again in this Congress. I am pleased that we have brought it to the floor this session and look forward to its final passage and enactment into law.

Hate crime is the most abhorrent form of prejudice. Through violence, vandalism, and intimidation, the perpetrators of hatred threaten the security of all Americans.

Our Nation, which prides itself on its acceptance of widely varied heritages, beliefs, and ideals, cannot stand for these manifestations of hatred and misunderstanding to continue.

The few statistics we do have on hate crime show that it is on the rise in America. Numbers collected by the Anti-Defamation League of B'nai B'rith indicate an increase in anti-Semitic crimes in the United States. This pattern may well exist among other groups.

An important step in combating this type of crime is assessing the level and nature of hate crimes. The appalling lack of information in this area leaves our hands tied. Compiling statistical information about these crimes will provide a better appreciation for the magnitude of the problem and help direct our prevention efforts.

I hope the Senate will speak strongly and vote overwhelmingly to pass this important bill. The Hate Crime Statistics Act will not alleviate the problem of hate crime, but it is a vital and necessary step in the right direction.

Mr. SARBANES. Mr. President, I rise in strong support of S. 419, the Hate Crime Statistics Act that is presently under consideration by the Senate. This important legislation directs the Department of Justice to compile and publish data on crimes that manifest prejudice based on race, religion, sexual orientation, or ethnic-

ity. The categories of crime for which data would be collected would include homicide, rape, assault, arson, vandalism, and intimidation.

This legislation is needed to fill the gap in information we have about the deplorable, and apparently increasing, incidence of violent crimes based on bigotry and prejudice. All decent people are shocked by the reports of violent hate-related incidents and there is information from a variety of sources that these incidents may be increasing. However, we do not have systematic collection of information about these crimes on a national basis so it is difficult to develop a clear picture of the problem and to fashion appropriate governmental responses. Some States, including my home State of Maryland, officially monitor the incidence of hate violence and law enforcement officials in those States have testified to the usefulness of this information. In addition, a number of private groups have done an outstanding job collecting information and pointing out the serious problem of bigotry-related crimes. In particular, I want to recognize the work of the National Institute Against Prejudice and Violence, a nonprofit organization formed in 1984 through the efforts of former Governor of Maryland Harry Hughes and others. The chairman of the Institute is our former colleague Senator Birch Bayh. This fine organization has been a clearinghouse for information on hate crimes and has conducted original research and provided assistance to communities wishing to deal with the problems of hate crime violence.

As an original cosponsor of the Hate Crime Statistics Act, I want to congratulate Senator SIMON for his leadership on this important legislation and to urge my colleagues to enact this bill.

Mr. CHAFEE. Mr President, I am pleased to join with my colleagues today in urging Senate passage of S. 419, the Hate Crime Statistics Act. By requiring the gathering of hate crime data, this bill will provide better understanding—and thus an opportunity for prevention—of "hate crimes," crimes motivated by prejudice based on ethnicity, race, religion, or sexual orientation.

What does a "typical America" look like, or act like? That is an impossible question to answer. Quite simply, there is no such person. We come in all shapes, sizes, colors, and personalities. In fact, Americans pride themselves on their diversity. We do not need to share a common "look" to be Americans; we just need a common belief in the democratic principles on which our country was built. That is a typical American.

Unfortunately, there is a dark side to our diversity; it is often accompanied by prejudice, bias, and misunderstanding. And yet, since we live in a society where freedom of speech is held paramount, we cannot simply ban appalling views. But we can and must try to prevent the worst manifestations of prejudice by fighting back with education, better communication, and better understanding.

Mr. President, the shadow of prejudice has begun to loom larger over our society. The number of horrific crimes—murder, rape, beatings, arson—motivated by hate appears to have increased in recent years. Hate crimes are nothing new, unfortunately. But the viciousness and senselessness of recent crimes is numbing: an Ethiopian man was beaten to death with a baseball bat last June by a 23-year-old white skinhead member; two gay men were shot repeatedly with a revolver by a college freshman; both men died; in July, a synagogue was severely vandalized and then set on fire by a teenager; a Hispanic woman was killed by a gang of skinhead youths.

I might add that hate crimes are not limited to those that result in death, or the destruction of property. There are crimes that can be devastating in psychological terms: poison pen letters, graffiti, intimidation, verbal harassment.

It is frightening to read even the limited information now available on hate crime. The Anti-Defamation League estimates that since 1980, the number of anti-Semitic episodes has tripled. The estimated number of sexual orientation bias crimes has also skyrocketed. It is frightening that many of these documented acts are committed by teenagers and young people, most of whom are still in high school.

Currently, eight States monitor hate crime episodes, and their respective law enforcement agencies have found such data to be valuable in detecting trends, gauging the extent of the problem, and directing educational and enforcement efforts. Simply put, knowledge makes it possible to act. That is what we need.

We need to know more about hate crime. We need to know where and why it happens. Without information, there is no progress; and we are sadly lacking in information. Until we have some sense of the larger picture, we cannot begin to fight to prevent such crime.

I applaud Attorney General Richard Thornburgh for his promise to make hate crime prosecutions a priority. That pledge has resulted in more prosecutions of organized hate groups for racial violence. This bill will help law enforcement agencies nationwide to begin coming to grips with this terrible problem.

I urge my colleagues to support this important measure. No American should live in fear of being harassed—let alone beaten, attacked, or killed—as a result of his or her race, religion, sexual orientation, or ethnicity.

Mr. MITCHELL. Mr. President, as an original cosponsor of the Hate Crime Statistics Act, I urge my colleagues to give this measure their support.

It is a tragic fact of human nature that some among us are incited to attack their fellow citizens, or destroy property, not from greed for gain, but because their victim is a member of a group that is hated.

Such hatred and its physical expression have a long and ugly history in our century. But it is an unfortuante truth that attacks fueled by bigotry are not a matter of history. They continue to occur in our Nation today.

What we cannot know is whether they occur sporadically or whether their incidence is increasing.

Until we have a systematic collection of data about such criminal acts, we will not know if we face a resurgence of racism or other hate-filled ideologies, or whether we are, in reality, dealing with a very small, easily controlled fringe group of offenders.

The purpose of this legislation is to give us the data base on which to make that judgment. It will not alter the criminal laws of any State or the Federal Government. It will, instead, give each State's law enforcement authorities a data base from which to judge if crimes within their jurisdiction can be traced from nearby localities or whether they are indigenous in origin.

The bill has long had the strong support of the Association of State Attorneys General, who want the information that the legislation would provide.

The bill has the support of the Justice Department and President Bush. Indeed, in his State of the Union Address, President Bush called on all of us oppose hatred, racism, and bigotry, regardless of its source.

That is a call to which every American can respond.

The statistical information available today on crimes of hate is collected by private groups.

But it is evident that the data-collection abilities of private non-profit organizations cannot yield figures accurate enough on which to base law enforcement strategies. Therefore, this legislation is needed.

Our Nation's pluralism and diversity are celebrated. We pride ourselves on being one of the Earth's most differentiated people, joined together as a Nation by our respect for the rule of law and the right of individuals to live in peace under the law.

Crimes based on hate strike at that fundamental structure in two ways. First, because the commission of a crime is a direct disregard of the role of law. And second, because by attack-

ing persons for membership in a group, such acts undermine the unlegislated but essential tolerance that all Americans must nurture to preserve the unity of our diverse nation.

The enactment of the hate crimes data collection would not only provide a materially useful data base for law enforcement authorities. It will, in addition, put the moral authority of the Federal Government squarely against those who seek to purvey prejudice and stir up bigotry. It will send a signal to all our people that ours is a government to whom the rights of all Americans, no matter how small a minority group they may be, are of equal integrity.

We live in a world where prejudice and bigotry are still, in too many cases, the tools of government against some of their own people or against their perceived enemies beyond their borders.

As Americans, we have an obligation once again to set an example of opposition to bigotry, prejudice and unthinking hate. Enactment of this legislation will be a step in that direction. It deserves the support of every one of us.

The PRESIDING OFFICER. Pursuant to the order, the Senate shall now proceed to the consideration of H.R. 1048, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1048) to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics.

The PRESIDING OFFICER. Under the order, all after the enacting clause of H.R. 1048 is stricken and the text of S. 419 is substituted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER (Mr. LAUTENBERG). The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the role.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. LEVIN] is necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent on official business.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP] are absent to attend the funeral of their former Governor.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "no."

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

The result was announced, yeas 92, nays 4, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—92

Adams	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Burns	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Lieberman	Symms
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Durenberger	Matsunaga	Wilson
Exon	McCain	Wirth
Ford	McClure	

NAYS—4

Armstrong	Humphrey
Helms	Lott

NOT VOTING—4

Dodd	Simpson
Levin	Wallop

So the bill (H.R. 1048), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1048) entitled "An Act to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson, and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

SEC. 2. (A) Congress finds that:

(1) The American family life is the foundation of American society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) Schools should not de-emphasize the critical value of American family life.

(b) Nothing in this act shall be construed, nor shall any funds appropriated to carry out the purpose of the act be used, to promote or encourage homosexuality.

(4) Data acquired under ths section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

Mr. HATCH. I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. HATCH. I ask unanimous consent that Senate bill S. 419 be indefinitely postponed.

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

Mr. HATCH. Mr. President, I want to say a few words of praise about my colleague from Illinois for the dogged, intelligent, effective way he has worked to try to make this bill a reality in the Senate. I have great respect for him, and I appreciate what he has done because this is a landmark piece of legislation. As small as it is, as little cost as it will involve, this is one of the most important bills I think ever to pass the Senate of the United States and we think the Congress of the United States when that becomes a reality.

When it does, the Senator from Illinois will deserve an awful lot of the credit. I want to be the first to pay my respects to him and to tell him how much I personally appreciated working with him on this bill. I thank the very fine staff. They are good people, well-intentioned. They did a very good job on this and they deserve all the accolades we can give them. And to Mark Disler of the Judiciary Committee staff, I want the RECORD to show how important I feel he is to my staff and to me personally and what a good job he has done.

I wish to praise the distinguished Senator from Illinois and so many others who have helped to get the bill passed through the Senate and express my regard for all of them.

I thank the Chair.

Mr. SIMON. Mr. President, I extend my thanks to Senator HATCH, who has shown both competence and courage in the passage of this bill. I very much appreciate it.

I also want to express my thanks to both Senator MITCHELL and Senator DOLE. Both the majority and minority leaders were very, very helpful in the process of pulling all of this together. I am very grateful to them.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business until 4:15 p.m.; that Senator ADAMS be recognized to address the Senate for 10 minutes, that Senator LIEBERMAN be recognized to address the Senate for 5 minutes; and, that Senator HEINZ be recognized to address the Senate for 5 minutes.

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

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

CALIFORNIA OILSPILL

Mr. ADAMS. Mr. President, this morning we woke to bad news that is becoming all too familiar in the United States. An oil tanker, the *American Trader,* hit a submerged object off Huntington Beach, CA, and spilled as much as 250,000 gallons of oil.

This spill is a grim reminder of the enormous damage that oilspills can inflict on our most sensitive environments. It is one more bell of warning that we must not ignore.

Comprehensive oil spill legislation is currently before a House-Senate conference committee. We need to have that conference completed soon, and we need a bill that will emphasize prevention measures such as double hulls, because cleanup provisions alone are not good enough.

The bill in conference does some good things. It sets up an oilspill liability fund which makes it much easier to ensure that those who are responsible for a spill pay for the cleanup and for the damages.

This legislation will also require, for the first time, companies refining and shipping oil to have federally approved oilspill response contingency plans. This will be necessary as a condition of doing business.

These are good provisions.

But when reports of these spills appear on television I wonder if we are not maybe like generals who plan for a new war by using the old tactics of the last war. Before the wreck of the *Exxon Valdez,* many people felt that we could handle an oilspill, that the technology and skills were available to clean up spills quickly and completely, or so they said.

Now we know better. Once the oil hits the water, even the best oilspill response plan can only minimize the damage. If the best we can do is scrub rocks with toothbrushes, we must face the truth that our technical ability to clean up oilspills is at the stone age level. We need to improve that.

But even more important, this means that prevention is critical. This is the one place where the current legislation, in my opinion, is too weak. The strongest prevention provision under consideration is the House double hull provision. This provision would mandate that within 15 years all vessels carrying oil in U.S. waters be equipped with double bottoms and double sides. The Senate bill, despite my best efforts, the votes of 48 Senators, is weaker.

Mr. President, I do not know if a double hull would have prevented the Huntington Beach spill or not. That is not the point. What we do know is that double hulls have a strong record of preventing spills, of reducing the amount of oil that gets into the water. They are a proven prevention tool, one that should be mandated as a matter of law. I hope the conference report will include a strong double hull provision when it is reported to the floor.

Mr. President, I know that in the States of New York and New Jersey you have had a problem. We have had a spill in Puget Sound. We have had a catastrophe in Alaska. We now have a problem off the coast of California in one of our most sensitive maritime environments. Those of us that live on Puget Sound simply cannot afford to have more spills. Prevention is our best protection. I plead with my colleagues that we adopt a conference report with a double hull provision in it in order to prevent future spills.

I yield the remainder of my time.

Mr. LIEBERMAN. Mr. President, I rise to join my colleague from the State of Washington in expressing concern about this latest publicly acknowledged oilspill—this was off the coast of Huntington Beach, CA—in which nearly 300,000 gallons of crude oil gushed from an 810-foot tanker. That is about the size of three football fields. It now threatens miles of beautiful ecologically sensitive coastline, some of America's most splendid beaches.

From all reports, the good news in this disaster is that the response to this particular oil spill has been far better than it was in the wake of the *Exxon Valdez* spill off Alaska. The Government's emergency response team was activated right away, and the equipment arrived on the scene quickly. Fortunately, weather conditions also appear to be favorable.

Yet despite a quick response and the good luck of good weather, the spill will not be fully contained, and significant environmental damage will occur. And that proves an important point. Oil spills are unavoidable. Once they occur there is no way to stop the oil from damaging the environment. No amount of preparation, no amount of response, will prevent or completely contain oil spills.

So whenever we consider opening new sites for oil exploration, I think we need to understand that oil spills and environmental damage will be an inevitable consequence. Murphy's law, "whatever can go wrong will go wrong," seems never to be so true as when it is applied to the transportation of oil over water.

Mr. President, this may be one of the larger and certainly more publicly acknowledged oilspills since the *Exxon Valdez* last year. But it is certainly not one of the first since that time. In fact, oilspills have become practically routine in the waters of the United States and the world. U.S. oil companies reported spilling some 84 million gallons of oil and gas in the United States' waters during one recent 5-year period. That is an average of a little more than 15 million gallons a year.

The reality is that we only hear about those that are the largest or those that threaten the most environmentally sensitive areas, but they go on over and over again. During the 1980's there were more than 450 groundings of oil tankers, 370 collisions, 97 rammings, 55 fires, and, believe it or not, nearly 100 deaths.

Cleanup technology has hardly advanced at all over the past 20 years. In fact, it is estimated that for oilspills in the open sea, we are able to recover only between 2 and 10 percent of the total amount of the oil spilled, and that number has not significantly improved in the last 20 years.

All this points out, as my colleague from Washington said so well, the need for strong oilspill liability legislation. I was proud to have worked as a member of the Environment and Public Works Committee in drafting a bill that was approved by the Senate last year, developed under the guidance of our distinguished majority leader who fought for this legislation for years. That legislation is now in conference. I hope that the oilspill that has occurred off the coast of California will send a message loud and clear to the conferees and that they will report out a bill that does not limit the liability of oil companies, a bill that demands strong penalties for companies who violate oilspill laws, and a bill that will require dramatic improvements in the safety of oil transportation vessels.

I urge the President to speak out on this issue and to join all of us here in Congress in calling for the strongest possible oilspill legislation.

Mr. President, the spill in California also demonstrates, I think, that we should go very slow in allowing oil

companies to explore for oil in new environmentally precious locations.

One critical issue that remains in doubt is whether the legislation now in conference will require that old and new oil tankers and barges be constructed with double hulls. I understand that at present oil tanker hulls are only about an inch and a half thick.

That, of course, is not much thicker than a football helmet. As one expert noted, "Only about an inch and a half of steel separates the purple-black crude and the blue-green water of our oceans."

Mr. President, an inch and a half is not a margin of safety. It is a margin of disaster. So when it comes to the need for double-hull tankers, we have to acknowledge that the Senate's version of this legislation is weaker than that of the other body.

I hope our conferees will agree to the stronger provisions in the House bill. The incidents in Prince William Sound, and now off Huntington Beach, demonstrates the importance of requiring that tankers and barges be constructed with double hulls.

Probably the best response to this oilspill would be to pass a law that encourages the greatest measure of prevention. And I know of no better way to do that than to put teeth in the law that will say to any oil company or to anyone who is responsible for shipping oil, "If your negligence causes a spill, you are going to pay for it, and seriously."

Mr. President, thank you for the courtesy of addressing the Senate. I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 2113 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Ms. MIKULSKI). The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican leader, pursuant to Public Law 98-183, as amended by Public Law 101-180, appoints Mr. Russell Redenbaugh, of Pennsylvania, to the U.S. Commission on Civil Rights.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

THE SAKHAROV EXCHANGE PROGRAM

Mr. GRAHAM. Madam President, in April 1988 I had one of those memorable life experiences when, while visiting the Soviet Union, I was able to share a meal with Dr. Andrei Sakharov and his wife, Yelena Bonner, at our Ambassador's residence in Moscow.

I had just toured a major Soviet research center. So during dinner I turned the conversation toward a discussion of science in the Soviet Union. I asked Dr. Sakharov what are some potential areas of scientific cooperation that might be initiated between our two countries.

Dr. Sakharov recommended a graduate student exchange program in disciplines in which there were no national security implications. He specifically suggested environmental and health sciences.

Those recommendations were typical of Sakharov's pragmatism, humanity, vision, and his conviction that the human condition can be—and should be—enhanced through cooperation and learning.

In recognition of his vision, I intend to introduce within the next several weeks legislation establishing an educational exchange program with the Soviet Union in the areas of environmental and health sciences.

I propose to name the program the Sakharov Exchange Program, in honor of that great humanitarian. It is entirely fitting that such a program dedicated to the improvement of life on this planet through the improvement of our understanding of ourselves and the sciences of this planet bear his name, for he realized that no country, no matter what its power, is exempt from the laws of science.

Indeed, he viewed the deterioration of our environment as one of the great challenges facing mankind. At the same time, he clearly saw the linkage between our environment and man's health. And he fully accepted that quality health care must be an essential priority. Neither area of study could be ignored without paying a steep price in human suffering.

Both countries have much to learn and much to offer each other in environment and health studies. The Soviets, for example, are particularly strong in several key health areas.

They have made impressive strides in the areas of orthopedics, cancer research, ophthalmology, laser surgery, and other surgical methods.

They also are conducting cutting edge research in the areas of hypotherapy, biofeedback, artificial organs, and the retardation of bone decalcification.

We in turn can offer the Soviets high-quality graduate work, in virtually all areas of health and environmental studies.

As part of our effort to exchange students and knowledge, we intend to establish linkages between universities in both countries. In the weeks ahead we will work to identify study priorities and target efforts to take advantage of the research strengths of each country.

A man of passion and a champion of many causes, Dr. Sakharov brought a sense of urgency to his work. Yet despite the severity of the problems with which he grappled, Dr. Sakharov was optimistic that man had the ability to find solutions and improve the world in which he lived.

We should share both Dr. Sakharov's sense of urgency and his optimism. Through cooperation and learning we can lighten our collective burden. We have much to share with the Soviets, and they with us. Guided by the vision of Dr. Sakharov, an education exchange program provides us an opportunity to do so.

Madam President, I ask unanimous consent to print in the RECORD an article from the Washington Post of January 28, 1990, on "Why Ivan Can't Breathe," an assessment of Soviet environmental issues.

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

WHY IVAN CAN'T BREATHE

(By Murray Feshbach and Ann Rubin)

In an interview last August with the West German newsweekly Der Speigel, Soviet environment minister Nikolai Vorontsov affirmed that the Soviet Union's ecological situation was proably the biggest problem in the country, ahead of the nationality conflicts and the economic crisis. Mikhail Gorbachev, Der Spiegel said, held that view himself.

Since then, of course, the nationality problems Gorbachev faces have beome acute. But the torrent of disturbing facts about the Soviet Union's ecological situation that have been revealed under *glasnost* make it apparent why the Soviet leadership regards the environment in such dramatic terms.

For example, last year the Soviets identified 102 cities, with a total of 50 million residents, where maximum permissible limits of pollutants had been exceded by 10 or more times. Even worse, 43 million Soviets lived in cities where such norms had been exceeded by 15 or more times. The newspaper Komsomolskaya Pravda reported in 1988 that thousands of families in the Khmel'bitskiy region of the Ukraine were issued military gas masks because emissions from the local meat combine had reached alarming levels.

The economic consequences of all this appear increasingly important—and perhaps crucial—to Gorbachev's future. Deficient funds, declining productivity and a shrinking labor pool compelled Gorbachev to turn from the Soviet's historic pattern of economic development which absorbed ever more sources, to a more efficient use of existing resources. But the prospects for such intensive growth are grim in the face of the effects of the Soviet ecological disaster: chronic disability, underproductivity of an

unhealthy workforce and premature invalidism and death.

Environmental degradation is aggravating an already absymal health situation in the Soviet Union. Profound shortages of medicine and equipment—from aspirin to heart medications to fetal monitoring devices—are enough to guarantee the U.S.S.R. its distinction as the only developed country with an extended period of declining male life expectancy and increasing infant mortality rates.

Now the prospect of an AIDS epidemic looms as the medical industry proves consistently unable to produce the necessary number of disposable syringes. About 7.8 million disposable syringes were produced in 1988, despite a planned output of 100 million and a total demand of over 3 billion.

Chernobyl has added yet another tragic dimension to the health problem. While there are as yet no measurable changes in overall morbidity in the affected regions, future trouble is indicated by infants now born with congenital cataracts, impaired vision, lowered immunity, higher levels of anemia and myocardial infarction, according to assertions made at the recent Supreme Soviet session.

Meanwhile in the metallurgical center of Novokuzmetsk, maximum pollution levels were exceeded by 50 or more times on 100 occasions in 1987. It is no coincidence that the lung cancer rate in that city is triple that in other Soviet cities.

The economic losses from diminished productivity, disability benefits and payment for treatment of the sick are alarming to Soviet authorities, reported at 190 billion rubles in 1987, or 11 percent of Soviet estimated GNP. The economic burden from environment-related damages has been estimated at an additional 30 to 50 billion rubles per year.

The Soviets' ecological catastrophe is also part of its political crisis. Some of the roots of the Armenian-Azerbaijani conflict are found in a polluting chemical plant in Armenia, tentatively scheduled for transfer to Azerbaijan. Construction of the Trans-Caucasian railroad is currently opposed by Georgians on grounds of ecology and Russification, while similar issues are prominent in the political programs of the Baltic popular fronts.

There are even rumblings in the Soviet press that environmental problems are evidence of the weakness of socialism itself, a subversive view advanced in nothing less than Pravda: Socialism, argued a Soviet environmentalist, "exists above all at the expense of nature, and at the expense of those resources and that land which provided for our gross and far from humane ancestors whom we now reproach for their predatory ways."

In response to the ecological disaster, the Soviets have established an All-Union State Committee for Nature Protection with the right to fine and/or close offending enterprises, and will quadruple capital investments assigned to the environment over the next 15 years. A law on nature protection is being prepared, as is the first ecological map of the Soviet Union. Last December, Gorbachev proposed the formation of a U.N. Center for Emergency Ecological Aid.

Yet in implementing environmental measures, the Soviets are confronting a host of dilemmas that may undermine their good intentions. The classic predicament of economy versus ecology has particular implications under *perestroika*. For while improvements in the environmental situation seem crucial to economic recovery, sufficient funds for ecology programs will hardly be forthcoming if the economic situation does not markedly improve.

A multitude of problems ensue from this basic dilemma. In his discussion of the 1990 economic plan, L.A. Voronin, first deputy chairman of the Council of Ministers, bemoaned the economic impact of the cleanup effort: "Many dozens of enterprises are being withdrawn from operation and we are losing the production of necessary output." Overall, some 70 plants had been closed by mid-October 1989, and 170 more closings were threatened by local authorities by the end of the year.

Nuclear power plant shutdowns, while good news for environmentalists, are creating major complications for Soviet energy planners already hampered by coal miners' strikes. In Soviet agriculture, excessive pesticide use is only reluctantly abandoned despite medical evidence that what helps food production is clearly detrimental to the Soviet population's health.

Environmental and health interests also sometimes run in direct opposition. The closing of pharmaceutical plants in the interest of clean air threatens the supply of desperately needed medicines. Which is the more detrimental to the future health status and productivity of Soviet citizens? Moscow expresses frustration that local authorities "bombard" it over the shortage of drugs on the one hand, and "make heroic efforts to oppose construction of chemical and pharmaceutical plants on their territories," on the other.

Details of the economy-versus-ecology battle, particularly in relation to the chemical industry, emerged in last September's issue of Planned Economy, the journal of the State Planning Committee (Gosplan). The deputy chairman of Gosplan for material and technical supply, K.V. Malakhov, expressed concern that plant shutdowns will result in major shortfalls in chemical production plans for 1990; 5.2 million tons of mineral fertilizers, 951,000 tons of soda products, 287,000 tons of methanol, 513,000 tons of polymers, 282,000 tons of synthetic rubber and 265,000 tons of chemical fibers and threads. Malakhov further complained that the only chloroprene rubber producing plant in the country is scheduled for shutdown. While he concedes "a significant lag in putting into operation production capacities equipped with devices ensuring ecological purity," he contends that some plants are victims of "sometimes unjustified removals."

The deputy chairman's proposed solution is to force fulfillment of the necessary measures for environmental protection, rather than close production sites. If his approach is not accepted, he warns, it will be "difficult to predict the development of a number of [industrial] branches." But given the small number—and inefficiency—of air pollutant scrubbers and waste water filters in the Soviet Union, Malakhov's suggestion seems unrealistic.

The success of the Soviet environmental program is further challenged by the economic interests of individual enterprises. If in the past, blind plan-fulfillment encouraged violation of rules for the protection of nature, under perestroika cost-efficiency and the profit motive present many of the same risk. In the Soviet Union, simply retrofitting scrubbers at thermal power plants to limit sulphur dioxide emissions is estimated to boost production costs by 25 to 50 percent. The current transition of Soviet industry to self-financing, intended to reinvigorate the moribund economy, is thus in conflict with the effective imposition of environmental measures also imperative to economic recovery.

Environment Minister Vorontsov plans to impose fines large enough to discourage pollution. But even if such fines are effectively imposed, equipment shortages and maintenance problems will likely persist, at least in the short term. To what extent such obstacles can ultimately be overcome depends on, among other things, the future of the Soviet economy.

But economic recovery, in turn, will largely be determined by the success with which the Soviets resolve their profound social problems, not least of all environmental degradation and the deteriorating health of the Soviet population.

Mr. GRAHAM. Thank you, Madam President.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

URGING PRESIDENT BUSH NOT TO WAIVE SANCTIONS IN CHINA DURING THE RECESS OF CONGRESS

Mr. KENNEDY. Madam President, earlier this week, the Government of China pulled the noose of repression even tighter around the necks of its students.

According to press reports, all Chinese students planning to study abroad must first work in China for 5 years after their graduation from a Chinese university. This reactionary step will bring students under even greater government control. And it is being imposed on top of the rigorous ideological screening of students going abroad, which was imposed after the Tiananmen Square massacre last June.

But on the day this latest harsh act was disclosed, Deputy Secretary of State Lawrence Eagleburger was appearing before the Senate Foreign Relations Committee, arguing that his secret trips to China were necessary because "the Chinese leadership needed to know how they could improve their relations with the United States."

Secretary Eagleburger urged that the administration's policy should be given more time to produce results.

Time has already run out. The Chinese Government is playing the White House like a fiddle, and all we hear is the music of oppression.

In the 8 months since the Tiananmen Square massacre shocked the conscience of the world, China has of-

fered only cosmetic gestures toward the White House, while continuing the harsh crackdown of recent months.

Give China more time? For what purpose? The murderous regime in Beijing has used the time since last June to hunt down thousands of dissidents, jailing them and terrorizing their families.

They have used the time to turn Fang Li Zhi—the Andrei Sakharov of China—into a refugee in his own country, protected only by the four walls of the American Embassy. They have used the time to tighten their grip on journalists and to shut off the few protests which the student movement has managed to muster.

Yesterday, we were informed that the State Department's own human rights report—soon to be issued—describes the extensive ongoing efforts of the Chinese regime to repress dissent and deny freedom.

What are the courageous Chinese poeple to think as they see 30,000 prodemocracy demonstrators detained and key dissidents executed, while the President of the United States carries on business as usual with the Beijing regime.

America cannot do very much to help the Chinese people in their winter of repression. But at least we can hold out the hope that America is with them, and that a springtime of democracy will come again.

The Chinese people should be able to look to America for hope. But when they look, they see high United States diplomats dining in Beijing, toasting the very Chinese leaders who ordered the massacre last June.

They see Chinese students harassed and intimidated on American campuses by Chinese Embassy officials.

They see the President of the United States side with the Chinese Government against the Chinese students by vetoing a bill passed by Congress to protect them.

Last week, Congress adopted new sanctions against the Chinese Government as a proper response to the gross violations of human rights that continue unabated in China. Once again, President Bush faces a choice. Will he waive the sanctions, as he did in 1989—or will he keep them in force, as he clearly should do?

I urge the President not to be satisfied with cosmetic gestures that do nothing to relieve the plight of the thousands of dissidents in Chinese prisons or the millions of other Chinese who seek only to live in freedom.

As Winston Lord, United States Ambassador to China in the Reagan administration, and a Senior adviser on China policy in the Nixon and Ford administrations, told the Senate Immigration Subcommittee last month:

> There is no question in my mind that the hardliners themselves don't respect an administration that can be fooled by cosmetic gestures.
>
> The moderates there are robbed of the argument that repression in China entails international costs.

As we have learned to our regret in recent months, the Bush administration tends to choose times when Congress is not in session to bow to the desires of the Chinese rulers.

The administration's first secret mission to China took place during the July 4 recess last year. The second Scowcroft mission, the veto of the Chinese student bill, and the previous waiver of economic sanctions occurred during the December adjournment.

Let us hope there will be no new concessions during the recess that begins tomorrow. The President should keep the current sanctions in place, not waive them again, as he did wrongly before.

America must stand up for freedom, not tyranny; for democracy, not repression. This is no time to relax our sanctions or bestow further accommodations on the Beijing regime.

President Bush says he knows China. But Congress and the American people know that his China policy is wrong.

In Poland, we stood with Lech Walesa and the Polish people, not the Polish Government. In Czechoslovakia, Romania, and South Africa, we stood with the people against their totalitarian rulers. But in China, we shamefully stand with the oppressor and against the oppressed.

I say to the administration—keep the sanctions on, and keep America true to its ideals.

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

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AGRICULTURAL EXPORT ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, we are all aware of the importance agriculture plays in our domestic economy. We know, too, that America's farmers must look globally to market their products.

The 1985 Food Security Act affirmed the principle that a part of U.S. agriculture's future lies in developing markets overseas.

The question we need to ask as we prepare for the 1990 farm bill, however, is will the benefits of international trade reach beyond the farm gate to help other sectors of our agriculture economy as well?

In other words, what can we do to help our rural businesses and rural economies grow?

The 1990's are bringing new challenges for agriculture. Between the General Agreement on Tariffs and Trade talks and the 1990 farm bill, agriculture's future is uncertain. Congress will shape that direction through the choices we make in formulating the new farm bill.

With regard to farm trade, as I see it, we have two choices: the first is to continue with our current tit-for-tat trade policy of retaliation and escalation.

This policy has relied on subsidies to move bulk commodities into targeted markets unfairly subsidized by foreign competitors.

The alternative I see for our country, however, is to begin developing markets for American agricultural products which can be sustained without the use of trade subsidies. Such a policy would help us find ways to replace our exports of raw products with exports that keep processing jobs here at home.

Agriculture has seen its highs and lows in recent years. In the 1970's, U.S. agriculture opened up to the world. Ten years later, however, we found ourselves losing market share to competitors such as the European Community. The loss of our international markets caused tough times back home on the farm.

There is little doubt the trade policies implemented by the Food Security Act of 1985 helped the U.S. retain our leadership in the export of bulk commodities.

Currently, one-third of our production is exported, contributing $16 billion to the U.S. trade balance. Future trade policities must maintain, and expand this strength.

There is a striking contrast, however, when we compare our bulk exports with our exports of value-added or processed products. The export of high and intermediate value products constitutes 80 percent of today's world agricultural trade.

And while the U.S. leads the world with 33 percent of world trade in bulk products, our share of the world market for value added products is only 7 percent. Compare this with the European Community which has captured 50 percent of the world market for processed agriculture products.

This statistic represents lost opportunity of our economy. It is a statistic we must change.

The benefits of high value product's trade accrue to more than our farmers. By exporting bulk commodities as inputs to foreign processors, we miss an opportunity to employ more U.S. workers.

According to a 1983 USDA study, expanding our share of world high value

product's trade by 5 percent could mean 1 million more jobs for U.S. labor.

Another source says that the U.S. world share of value-added product's trade could be increased from 7 to up to 15 percent without a disruption of bulk commodity exports. The benefits of such an increase would mean:

A $50 billion increase in the GNP;

A $10 billion increase in Federal tax receipts;

And 1 million additional jobs.

It is easy to imagine the benefits the EC is getting from their 50 percent share of world high value markets. I would like to see some of those jobs in the United States.

Value-added exports markets have another advantage over bulk commodites—market stability. During the export expansion years of the 1970's, U.S. agricultural exports expanded greatly. Trade in bulk products grew 22 percent and high value product's trade grew 19 percent.

But from 1982 to 1986, bulk exports of grains and feeds declined 17 percent per year. Exports of value-added products however, over this same time period, remained constant. Bulk oilseed exports declined 10 percent from 1982 to 1986. The export share of processed oilseeds also declined, but by only half as much.

These examples indicate that exports of value-added products can be sustained even if trade subsidies are eliminated under a future GATT agreement.

Processed products are not as easily substituted from country to country as are bulk commodities. If American processors can establish a reputation for high quality, the result will be loyal customers and a stable market.

The other question which must be addressed in this debate is what will happen if our current GATT negotiations are successful in phasing-out trade subsidies?

Any future GATT agreement is likely to eliminate direct trade subsidies first. The Export Enhancement Program has provided a direct subsidy to exporters which enabled them to counter unfair trade practices and offer competitive prices to buyers. On a level playing field, the United States will remain competitive. Freezing the status quo, however, could lock in the current inequities which exist in world trade.

A strong market development program could provide us with long-term opportunities that do not rely on subsidies and would survive the scrutiny of a GATT agreement.

The potential for growth in the area of value-added products is already great. World trade in high value products is growing at 3 percent per year compared to 1 percent growth for bulk commodities.

New markets for agricultural products are opening every day as the Communist nations of Eastern Europe evolve into Democratic societies. Combined, these factors demand that we rethink our current trade policy.

Following next week's recess, I intend to introduce legislation which will help our businesses capture a greater share of the new markets for value-added products. The legislation I am proposing does four things:

First, it aids the flow of market information. The risk of conducting market research is great—especially for small businesses. My legislation creates a market research loan program to minimize this risk and provide an incentive for investment.

Second, it supports market development and promotion. Our current trade programs have focused, almost exclusively, on countries utilizing unfair trade practices.

Without flexibility in our trade programs, we are likely to miss new opportunities. Our new emphasis should be on helping businesses tap into markets with the greatest potential for growth.

Third, the bill supports better market intelligence. To facilitate market research, promotion, and development, we need a force in place that can be a liasion between foreign governments and businesses and our own American processors.

The United States now has 60 agricultural attaches and 15 agricultural trade officers worldwide. We must strengthen this force if we hope to take advantage of new markets abroad.

Finally, the bill modifies existing export programs to put additional priority on the movement of value-added products.

I will ask that a further summary of my legislation be included in the RECORD following my remarks.

Last week, the General Accounting Office issued a report showing that the United States had fallen far behind the European Economic Community in the export of high-value and processed products.

The GAO claims that "countries emphasizing sales of high-value products have developed partnerships between the government and private enterprise reflecting a national commitment to export marketing."

Clearly, the emphasis of our trade programs has been on moving bulk commodities into limited markets. The recent changes in the world, however, combined with the prospects for a GATT agreement, should lead us to reexamine our current policies.

We need stable markets we can sustain through market fluctuations and can survive the scrutiny of any future GATT agreements.

Further, we need to fill the demand created by the changes in Eastern Europe and the developing nations of Asia. Value-added exports can help us reach these goals. The challenge lies in developing a new trade policy that helps us meet these objectives.

We need new agricultural markets for our farmers—both at home and abroad.

We need to develop incentives for small businesses in rural communities to move into the international market place.

We need new jobs for our workers who process agricultural products.

These will be the keys to rural development in the 1990's.

I think my legislation can serve as a starting point in this debate. I urge my colleagues to join me as we set this new course for agriculture.

Mr. President, I ask unanimous consent that a legislative summary and a background report be printed in the RECORD at this point.

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

LEGISLATION SUMMARY

TITLE I: MARKET INFORMATION

1. New Market Research Loan Program

American processors can export to new markets if they know the demand, the cultural barriers, and the mechanics of dealing with a new country. This research is risky. The Market Research Loan Program is designed to minimize this risk so American processors can venture into new markets without fearing financial ruin.

The New Market Research Program, administered by the Foreign Agricultural Service, allows American processors to borrow 50% of the costs of a market research project (up to $50,000). Eligible activities permitted under the program include: economic studies, travel, label development, production of promotion materials, and test market expenses. Funding will be awarded by FAS based upon submission of a research plan by eligible applicants. Acceptable plans will be limited to markets not previously developed by the applicant. The plan may be amended with USDA approval.

Upon completion of the research, any sales which occur will constitute market development and trigger repayment of the loan. If research indicates sales will not be profitable in a specific market, the Administrator may forgive the loan.

Any market research which leads to market development will be kept proprietary for one year following research completion. All other market information collected under this program will become public information upon completion of the research.

2. New Market Task Force

In addition to private market research, a great deal of information is collected by the U.S. government which could aid export-minded processors. The FAS, the U.S. Trade Representative, and the Commerce Department all have information which could be useful to U.S. businesses. We need a coordinated effort to compile and disseminate this information to people who can use it.

The legislation requires the Secretary of Agriculture to appoint a New Market Task Force made up of representatives from USDA, Commerce, USTR, SBA, and the Re-

gional Trade Centers authorized by Congress under the Food Security Act of 1985.

The Task Force will develop a strategy for marketing processed products using market and government incentives. In addition, this body will be charged with collecting and disseminating available information on market opportunities, trade barriers, and marketing distribution systems.

TITLE II: MARKET PROMOTION AND DEVELOPMENT

1. Targeted Export Assistance Program

The TEA program currently has wording that restricts its use to those countries that employ unfair trade practices. The world situation has changed dramatically, however, since 1985. New opportunities have developed in Eastern Europe and other countries around the world. In addition, the possibility of a GATT Agreement which eliminates direct trade subsidies will impact our current trade programs. The TEA program is a good tool to use in developing new agricultural markets.

This legislation would amend the TEA legislation by deleting the unfair trade practice provision, would require matching funds from the private sector on all TEA initiatives, and would permit uninterrupted multi-year market development programs.

2. Going Global

The Extension Service "Going Global" program was created to educate small and intermediate-sized processors to the possibilities and mechanics of exporting. The aim of the program is to lead the agricultural industry into the role of international supplier of agricultural goods, rather than focusing exclusively on domestic markets.

This legislation asks for an analysis of the program and recommendations from USDA for expanding this service.

TITLE III: MARKET INTELLIGENCE

1. Market Intelligence Personnel

The FAS currently has approximately 106 professional foreign service personnel overseas. Of these 106, 91 are attaches who spend approximately one-third of their time on reporting. Thus, there are only 15 Agricultural Trade Officers whose main responsibility is to coordinate marketing efforts for US agricultural exports. The government's overseas agricultural marketing force is much much too small to compete in the current world agricultural environment. Future GATT decisions could increase our reliance on these personnel.

Public Law 95-501 authorizes 25 Agricultural Trade Offices in other nations. However, hiring ceilings have provided for only 15 ATOs. This bill seeks to increase the Foreign Agricultural Service's hiring ceiling to accommodate ten more Agricultural Trade Offices and the personnel to run them.

TITLE IV: PROCESSED PRODUCT EXPORT PROGRAMS

1. Value Added Export Enhancement Program

The Food Security Act of 1985 included directions to the Foreign Agricultural Service to place expanded emphasis on market development activities for value-added products. The bill also contained a mandate to use 15% of the Export Enhancement funds for the export of meat or meat products. The Department has missed on both counts.

The export of value-added commodities offers more than just additional jobs at home, it offers stability within our agricultural markets. Product loyalty, an intangible not associated with bulk commodity exports, will help US exporters retain their share of foreign markets as subsidy levels decrease. The result will be long-term market development.

The creation of the Value-Added Export Enhancement Program will ensure that processed and high-value products receive a share of our trade program funds proportionate to their importance in world markets. This legislation directs 25% of our currently authorized EEP funds toward the new program. Comparing current authorization with past spending levels, this mandate should not diminish the amount of funds currently available for the export of bulk commodities.

AGRICULTURAL EXPORT ENHANCEMENT ACT OF 1990 SUMMARY

BACKGROUND

A General Accounting Office study released February 2, 1990 indicated that the U.S. has fallen far behind our European competitors in the export of high-value products. According to the GAO, the E.C. now holds a 41 percent share of the high value/processed product market. The United States share is only 9 percent.

The benefits of High Value Product's trade accrue to more than just our farmers. By exporting bulk commodities as inputs to foreign processors, we have lost an opportunity to employ U.S. workers. According to a 1983 USDA study, expanding our share of world High Value Product's trade by 5 percent could mean 1 million more jobs for U.S. labor.

A report by the President's Agricultural and Trade Advisor states that the U.S. world share of Value-Added Product's trade could be increased from seven up to fifteen percent without a disruption of bulk commodity exports. The benefits of such an increase would mean: a $50 bil increase in the GNP, a $10 bil increase in federal tax receipts, and 1 million additional jobs.

The potential for growth in the area of Value-Added products is already great. World trade in High Value Products is growing at 3 percent per year compared to 1 percent growth for bulk commodities.

New markets for agricultural products are opening every day as the Communist nations of Eastern Europe evolve into Democratic societies. Combined, these factors demand that we rethink our current trade policy.

We need a 1990 farm bill that ensures the benefits of our international trade reach beyond the farm gate to help other sectors of our agricultural economy as well.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, may I inquire of the Chair, are we at this point in morning business.

The PRESIDING OFFICER. The Chair advises that we are indeed in morning business.

Mr. PRYOR. Mr. President, my remarks will be very short.

THE INSPECTOR GENERAL'S BOLD ACTION ON ASPJ

Mr. PRYOR. Mr. President, this week the Pentagon's inspector general boldly recommended putting the brakes on the Navy's troubled $4.8 billion radar jammer program. As reported in Defense Week, the inspector general has asked that work on the airborne self-protection jammer, or ASPJ, be halted while the program is reevaluated.

I applaud the inspector general, Susan Crawford, for her action. This is the type of courage that Congress wants from the inspector general's office and that Defense Secretary Cheney must have in order to control the defense budget.

The inspector general points out that over $400 million is at stake in the near term. I assume that is his request for 1991 spending. I call on the Secretary of the Navy to immediately heed the recommendation of the inspector general to reevaluate the program and delay further contract awards. If spending $400 million does not make sense, why do it?

This ASPJ jammer has been called the son of DIVAD. Just like the DIVAD antiaircraft gun, the multimillion dollar ASPJ went into production last summer even though tests have shown it simply does not work.

ASPJ units are supposed to be installed on fighter aircraft to allow our pilots to deceive enemy radar and missiles. If the radar jammer fails while the pilot believes it is working, his plane can become an electronic beacon that every missile in the sky will lock on to.

Mr. President, operational tests have found that the ASPJ, as configured at the moment could put our pilots in exactly this kind of danger. Even the former Under Secretary of Defense for Acquisition wrote that "many enemy threats cannot be satisfactorily handled" by the ASPJ.

The ASPJ is in such trouble that: First, the Air Force has now completely pulled out of the program; second, it was reported that Secretary Cheney temporarily terminated the entire program in December; and third, the inspector general is in the midst of a full blown investigation of the program.

The cost of this system is also a big problem. Last fall one cost estimate put the ASPJ program at $9 billion with cost overruns of $1 billion. Mr. President, $9 billion is not much less than the President wants to spend on the MX missile system.

The inspector general is concerned about costs, too, and we should be aware of it. While ASPJ unit costs were estimated at between $2 and $3.5 million each, the termination of Air Force participation, which accounts for 60 percent of the program, will likely make the price tag skyrocket.

The inspector general prudently wants to review the impact of the Air Force pull out from the ASPJ program and cites this as one of the reasons to halt work on this particular system.

Mr. President, as I have repeated in the past I now state again. I am not opposed to radar jammer systems, but I am opposed to wasting billions of

dollars to be spent to produce weapons that do not work and endanger our fighting personnel. To date, the ASPJ does not work. To date, the configuration does in fact endanger our pilots. Rather than being a flying defense shield for our pilots, the ASPJ is fast becoming a flying boondoggle for the Navy.

Mr. President, again I compliment the DOD inspector general and ask unanimous consent that a copy of the defense week article and an article on Secretary Cheney's December termination of the program, which was apparently reversed, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Defense Week, Feb. 5, 1990]

PENTAGON IG WANTS BRAKES ON NAVY JAMMER

(By Tony Capaccio and Timothy McCune)

The Pentagon Inspector General has recommended that the Navy temporarily halt production of a controversial electronic airborne jammer amid signs its cost is ballooning out of control, according to a Jan. 25 memo obtained by Defense Week.

A "partial stop work" order is necessary to calculate an expected cost increase in the aftermath of an Air Force decision to pull out of the program, Inspector General Susan Crawford wrote Navy Secretary Lawrence Garrett. The Navy is managing the program.

The program in question is the 14-year-old, $4.6 billion Airborne Self Protection Jammer (ASPJ). The Air Force pullout "eliminated 60 percent of the ASPJ program requirement," or about 1,450 jammers, Crawford wrote. The Navy plans to buy 750 jammers.

Defense Secretary Dick Cheney listed the Air Force ASPJ among the 20 weapons programs he recommends killing in next year's budget.

Navy Spokesman Denny Kline said Crawford's recommendation was being evaluated, but that no stop work orders have been issued to the contractors, ITT Avionics and Westinghouse Electric Corp.

Crawford's memo said she was concerned the Navy's 750 jammers might cost too much to justify. "Over $400 million is at stake . . . Considering the significance of the decision pending on the ASPJ program as a result of the Air Force withdrawal, we suggest the Navy determine whether it would be cost beneficial to use partial stop work orders to gain the time needed to gather information and to decide future strategy for the ASPJ program," she wrote.

Navy spokesman Lt. Jim Wood said the jammers would cost about $1.5 million. Pentagon analysts have pegged the cost closer to $3 million apiece.

The Air Force decision to withdraw was announced last week as part of the proposed fiscal 1991 budget. The Pentagon announced the move would save $1.1 billion through 1994.

The jammers would be the principal protection against enemy missiles for the Pentagon's top-line aircraft, the F/A-18, F-16, F-14, A-E and AV-B. The Navy has spent $681 million since 1976 to develop the jammer.

Adding to the program's woes is an assessment by the Pentagon's Office of Operational Test and Evaluation contained in its upcoming 1989 annual report. The report concludes the jammers produced to date in full-scale development are only "marginally effective and marginally suitable" for aerial combat.

Crawford's concern surfaced in the course of an audit her investigators are conducting. The review was started on the basis of an anonymous fraud hotline tip. The tipster alleged that the Pentagon's Defense Acquisition Board (DAB) ignored negative operational test results when it graduated the program from full-scale development last August.

Based on the DAB decision, the Navy last year awarded contracts to ITT and Westinghouse for 100 jammers. Crawford's request was intended to stop the program before the two contractors signed contracts with their respective subcontractors, a move that would be costly to reverse.

Crawfod asked Garrett to answer by Feb. 1 how much the cost of the remaining ASPJ units might be. As of Friday, however, Crawford's memo had not even been submitted to Adm. A.H. Carlisle Trost, the chief of naval operations, for a reply, according to Pentagon sources.

Crawford told Garrett that a 30-day partial stop work order at this state of the contracts "would appear to be an economical action" because both contractors are only spending between $125,000 and $150,000 per month on the program.

Crawford singled out ASPJ program manager Capt. Selden Small as a roadblock. Small "was not receptive to using stop work orders. He stated that stopping work would serve no purpose because the Navy would not terminate the two contracts," Crawford wrote.

"He said that if the contract were terminated it would take another 18 months to award another contract," Crawford wrote. "However we disagree with his using those concerns to dismiss the need for and value of determining whether it would be cost beneficial to partially stop work, assessing the cost effectiveness of a major change in the ASPJ program."

[From Inside the Pentagon, Dec. 15, 1989]

DOD OPINIONS ABOUT ASPJ DIFFER—CHENEY KILLS ASPJ, BUT DOD STAFF ASKS SERVICES TO TAKE A SECOND LOOK

DOD opinions about the controversial $3-billion Airborne Self-Protection Jammer (ASPJ) program are differing wildly—Defense Secretary Richard Cheney killed the ASPJ program this week even as another high-level DOD official tried to rally Service support for the program, according to DOD sources. Cheney signed a program budget decision (PBD) on Dec. 11—a death warrant for the embattled jammer that cancelled FY-91 through -94 funding.

Prior to the ASPJ PBD, Assistant Secretary of Defense for Command, Control, Communications, and Intelligence Duane Andrews penned an internal memo to the acquisition executive of the Air Force asking the Service not to give the program short shrift, said one source. Air Force Secretary Donald Rice had offered up the program to Cheney as one exchange for some $3.4-billion in FY-91 program cuts that Rice hoped to recoup. Andrews expressed concern about the limited alternatives to the jammer in the memo. A copy of the correspondence was also sent to the acquisition executive of the Navy.

The only possible hope for the program now that Cheney signed the PBD is to keep production verification (PV) testing alive, according to a Service official familiar with the program. USAF electronic comabt chief Brig. Gen. Noah "Ed" Loy will still fight to save the program through a concerted push for the testing. "One year of testing isn't much if the results aren't successful and will save the taxpayer millions if they are," said one USAF source recently.

The ASPJ has had a long history of problems but supporters question the program termination, stating that the majority of the problems are in the past. Continually evolving threats had stretched the jammer's development by years, and measures of effectiveness (MOEs) and the test evaluation master plan (TEMP) were also problematic. The MOEs and TEMP are almost finished, say ASPJ supporters. More recently, software difficulties are being attacked. After contractors had worked with personnel at the Air Force Electronic Warfare Evaluation Simulator, the system's identification of threats rocketed from 18 to 54 within a two-week period. A series of congressional obstacles were also overcome and program supporters began to feel hopeful after Congressional appropriations conferees told the Navy, the Service lead on the ASPJ, to plan for an early FY-91 Lot 2 low-rate initial production award by issuing a request for proposals in early 1990.

The program is now officially dead "but there's always a way" said an Air Force official who believes good PV testing results could still save the ASPJ.

Mr. PRYOR. Mr. President, I at this point yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. FORD assumed the chair.)

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. 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. BRYAN. Mr. President, may I inquire, is it in order to speak as in morning business at this time? If not, I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

CHEMICAL DIVERSION TO NARCOTICS PRODUCERS

Mr. BRYAN. Mr. President, today I am submitting a sense-of-the-Senate resolution urging President Bush to raise at the upcoming international drug summit in Bogota the critical issue of chemical diversion to narcotics producers.

That resolution, which enjoys bipartisan support, Mr. President, is working its way through the process and will be offered later this evening and I would fully expect unanimous consent to be obtained at that point.

Mr. President, the cocaine producers, principally located in Colombia, need enormous quantities of chemical

solvents to produce the cocaine that feeds America's $100 billion cocaine habit.

According to Drug Enforcement Agency officials, the cocaine processors need at least 12,000 tons of chemicals each year, and many consider this to be a low estimate. Let me repeat for emphasis, these are chemicals that are necessary to the production of cocaine in the processing in the clandestine laboratories, specifically those that are located in Colombia. To the extent that we choke off this supply of chemicals, we also choke off the supply of cocaine.

These chemicals, although they have legitimate uses, are standard industrial solvents which many chemical producers market on a regular basis to legitimate customers for legitimate manufacturing processes. Nevertheless, the evidence is inescapably clear, Mr. President, that tons of these critical chemicals to Latin America, far above and beyond what the legitimate needs are for proper and legitimate industrial needs.

Federal officials have shared with me as early as this week that approximately 40 to 70 percent of these essential chemicals that go to Colombia are ultimately diverted into the clandestine laboratories producing cocaine in that country.

Mr. President, Congress has responded to this critical link in the cocaine production chain. In 1988 the Congress passed the Chemical Diversion and Trafficking Act. This act went into effect on October 30, 1989, to regulate the shipment of some 20 chemicals that are critical to narcotics production.

Under the terms of this act, companies are required to notify the Drug Enforcement Administration of impending shipments 15 days in advance. Using the act, DEA has stopped 1 shipment from going forward and has denied 52 of 288 requests for regular customer status. That is one in every five applications.

With respect to requested shipments to Colombia, three out of four customer destinations that have been requested approval have been rejected by the DEA.

These initial statistics would seem to indicate that this legislation, although only recently having gone into effect, may be playing a significant role in reducing the number of American produced chemicals that are now being shipped to Latin America.

But, as America has attempted to put its own house in order, it turns out, around the world, there are others who are willing to move in and supply the drug cartel. According to Mr. Gene Haislip, Deputy Assistant Administrator, Office of Diversion Control of the Drug Enforcement Agency, chemical shipments from Europe are on the increase. European exports of one critical chemical, methyl ethyl ketone, MEK, to Latin America increased from 70 tons in 1982 to more than 5,000 tons in 1987. And, as Mr. Haislip observed, we have every reason to believe that this figure is just the tip of the iceberg.

Mr. President, we must do a better job of controlling American chemical shipments. We must give the DEA the resources to monitor and investigate these shipments and firms that are attempting to acquire these chemicals.

Mr. President, American chemical companies must do a better job. American chemical producers must not hide behind the letter of the law, yet at the same time ignore obviously suspicious customers in sending massive shipments to countries far beyond their legitimate needs.

But, even if we give DEA all the help it needs, even if American firms rediscover the meaning of good corporate citizenship, it would not be enough. This has been a critically neglected area in America's international drug efforts.

We must get international action, and that is why I urge President Bush to raise this issue at the upcoming summit in Colombia. The President has a real opportunity to assert leadership in this area of chemical diversion.

Mr. President, I urge him to seize this opportunity. The President should urge all countries to ratify the United Nations chemical convention which says that all nations must monitor these critical chemicals. Unfortunately, to date only four countries, including the United States, have done so.

The President must also request that all countries enact laws as strong as those of the U.S. Chemical Diversion and Trafficking Act.

And the President must work with Colombian, Bolivian, and Peruvian authorities, many of whom risk their lives daily to provide full cooperation to drug enforcement officials, to eliminate the diversion of chemicals in their countries.

Finally, the President should encourage the Colombian Government itself to institute an internal licensing requirement to better get a handle on the control of chemicals reaching that country that ultimately are diverted to the jungles for clandestine laboratory manufacture.

Mr. President, I respectfully indicate that the President's decision gives us a unique opportunity. We in the Senate suggest that he make the most of this important journey by raising our concerns about chemical diversion. It is a real problem. We need his help and his leadership. We need the help and support of our allies to join in this fight.

We, in the Senate, Mr. President, wish him and his party a safe and productive journey.

If there is no other Senator seeking recognition, 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. RIEGLE. 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. RIEGLE. May I inquire of the chair, is it in order now to speak briefly on the question of the Export Administration Act?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

EXPORT ADMINISTRATION ACT

Mr. RIEGLE. Mr. President, one of the major responsibilities of the Banking Committee in this session of Congress will be to consider reauthorizing the Export Administration Act which expires on September 30, 1990. That act, among other things, gives the President authority "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States." It is upon this authority that our country has built our present export control regime which is used to deny the Soviet Union and its Eastern European allies access to high technology commercial goods with potential for military uses such as computers, machine tools, and telecommunications equipment.

The Banking Committee's Subcommittee on International Finance and Monetary Policy, under the leadership of my friend and colleague, the distinguished senior Senator from Maryland, Senator PAUL SARBANES, will be holding hearings next month on the reauthorization of the Export Administration Act. Those hearings will provide the Banking Committee an opportunity to hear from the administration, as well as from outside experts and industry representatives, what the changed circumstances in Eastern Europe and the Soviet Union mean for our present export control system, including the multilateral regime coordinated through Cocom. This Senator believes those hearings will be very important ones, and I urge the administration to make sure that its highest policymakers take time to develop coherent views and recommendations to the Congress on this matter. Let me explain why.

The United States, for most of its history, did not have controls on exports. This changed in 1940 when Congress passed legislation authorizing

the President to conduct full-scale economic warfare against the Axis powers by cutting off all U.S. exports to those countries and by blacklisting companies in neutral countries doing business with the enemy. Those controls were lifted after the war, except insofar as they were maintained to prevent the export of items in short supply in this country such as steel. In 1947, as United States relations with the Soviet Union deteriorated, President Truman used his authority under the 1940 law to place restrictions on American exports to the Soviet Union, and subsequently delegated Presidential power over exports to the Commerce Department.

Since the implementation of effective export controls depended on cooperation from our allies, the Coordinating Committee for Multilateral Export Controls, or Cocom, was created in 1949 to coordinate allied export control policies. Cocom membership consists of the NATO countries, except for Iceland and Japan and Australia. Congress, in 1949, also rewrote the then existing law and renamed it the Export Control Act. It also began the practice of granting export control authority to the President for specified periods of time. That act was renewed in 1951, 1953, 1956, 1958, 1962, and 1965. In 1969, Congress made major amendments to the Export Control Act and renamed it the Export Administration Act. That act has also been renewed and revised several times in the last 18 years, most recently in the Omnibus Trade and Competitiveness Act of 1988.

Since the 1940's a consensus has existed in our country that protecting our national security requires reasonable export controls to prevent the Soviet Union and its Warsaw Pact allies from acquiring militarily critical Western technologies. The evidence was clear that these countries wanted and had elaborate intelligence programs to acquire Western technologies in order to improve their own military capabilities in radar, lasers, aerospace, precision manufacturing, and other areas over the last 40 years. The U.S. business community has been supportive of controlling items whose acquisition by the Soviets would be detrimental to our national welfare. In the last decade in particular, however, American companies have expressed strong concerns about export controls that are too broad, or which forbid them to make sales which are then made by companies from Japan and Europe. Congress has never wanted to micromanage our export control and throughout the years has followed a practice of delegating to the executive branch the authority to administer it in a reasonable manner.

In early 1987, however, the Banking Committee responded to the strong concerns then being expressed by groups representing our most responsible companies that an overly burdensome licensing system was hurting the technological strength of important U.S. industries with no benefit to our national security. As part of putting together its five title contributions to the Omnibus Trade and Competitiveness Act, the committee held several oversight hearings on the Export Administration Act. Gen. Lew Allen, a former Chief of Staff of the U.S. Air Force, who chaired a National Academy of Sciences [NAS] study on export controls, told our committee that the problem with the system was not the law, but rather the way it was administered. He informed us that the Reagan administration's export control policy was in disarray with the Commerce, Defense, and State Departments unable to settle their differences on what technologies were truly militarily critical.

The NAS study itself pointed out that "although appropriate statutory authority exists, the U.S. policy process for national security export controls lacks proper direction and affirmative leadership at the highest levels of Government." In other words, the warring bureaucracies at Commerce, State, and Defense could not resolve their differences and there was no leadership from the White House to make difficult decisions. As a result, legitimate exports were lost and our national security, which was to have been enhanced by export controls, was instead being damaged. It became evident in those hearings that controls that overreached had a particularly deleterious impact on our highest technology companies. They not only lost sales for finished goods due to license delays and denials, but foreign manufacturers in Western Europe also turned to the other countries to supply key high technology parts in the finished products as U.S. companies were no longer seen as reliable parts suppliers. The consensus view from those hearings was that U.S. market share in cutting edge technologies was being eroded due to bureaucratic infighting that was never resolved.

The Banking Committee and then the Congress reacted by making major revisions to the Export Administration Act in the omnibus trade bill. Included among the revisions were:

First, reducing the number of controlled items by removing controls from low technology items and from items that the Soviets could obtain from other countries;

Second, eliminating reexport license requirements on U.S. goods shipped to Cocom countries, or countries which have bilateral export control agreements with the United States;

Third, putting procedures into place for forcing the resolution of interagency disputes in a timely manner so that export sales were not lost due to never getting a decision one way or the other; and

Fourth, improving the effectiveness of multilateral export control efforts in Cocom including passage of the so-called Toshiba provision denying the U.S. market for foreign companies that violated Cocom agreed control lists.

Recent developments in Eastern Europe and the Soviet Union have raised new questions about whether our present, or any export control regime continues to make sense in the new era of East-West relations that appears to be emerging. Such questions have particular legitimacy when viewed in the context of today's increasingly competitive global marketplace. Understandable apprehensions are being raised that our present export control system subordinates the country's economic competitiveness to military concerns at a time when economic concerns are growing in importance. Such misgivings are given even more legitimacy when we consider that making sales abroad help our companies finance civilian technological advances that are increasingly essential to maintaining a strong military.

I am fully aware that in the past the executive branch has had real difficulty developing a coherent policy on export controls because of interagency disputes that no one in the White House or National Security Council took the time or interest to settle. That is precisely why the Congress had to act in making major changes to the Export Administration Act both in 1985 and 1988. I hope the same thing will not happen in 1990, but I am not altogether convinced it will not. At the last senior level meeting of Cocom officials in October, the United States was isolated in a 16-to-1 vote when our allies wanted to liberalize trade in machine tools with Eastern Europe and the Soviets by rapidly cutting the list of controlled items, while the United States insisted on a go slow approach. If Cocom is to be preserved as an instrument of coordinating export controls with our allies, United States proposals in that organization must be credible and take account of the developing political realities in Eastern Europe and the Soviet Union. If Cocom disintegrates any hope for successful controls on even the most sophisticated technologies will evaporate as the United States no longer is the only maker and exporter of such militarily critical technologies.

Next week on February 14 and 15, U.S. negotiators will go off to Paris to once again participate in an extremely important Cocom meeting. The administration, I understand, needs no additional authority from Congress to streamline our control regime and has

complete discretion on how best to reconcile the need to hold Cocom together while still controlling exports of the most sophisticated types of strategic goods to the Soviet Union. The Congress will, however, hold the administration accountable for how such discretion is exercised.

As I noted above, the Banking Committee's International Finance Subcommittee will hold hearings on the Export Administration Act in March to prepare our committee to consider reauthorizing that law this year. Among the critical questions this Senator will want the administration to be prepared to answer at such hearings are:

First, is it possible to aid the swift development of the emerging non-Communist regimes in Eastern Europe while still maintaining controls on exports of key technologies to these countries?

Second, will it be possible to get a consensus within Cocom to continue controlling the export of the most sophisticated technologies to the Soviet Union and Eastern Europe?

Third, is it possible to differentiate between what level of technologies can be exported to Eastern Europe and what can be exported to the Soviet Union and, if so, why should such a differentiation be made?

Fourth, even if the Cocom countries agree that the most sophisticated technologies should not be exported to the Soviets, how can we deny those technologies to the Soviets if they are produced by non-Cocom countries?

The administration should be on notice that if interagency squabbling prevents it from coming up with credible export control proposals then the Congress will have to respond legislatively. There is no excuse for not having a better coordinated and more centralized interagency decision making process that can respond to changing circumstances quickly.

While I recognize there may still be a convincing rationale for an export control regime, I urge the administration to thoroughly examine present controls with a full appreciation that our national security is ultimately based on our economic strength. In today's developing global marketplace our economic strength will in turn depend increasingly not only on our ability to produce quality goods, but also on our ability to market such products all over the world. High level decisionmakers in the administration must pay greater attention to this issue.

I look forward to the Banking Committee's hearings on the Export Administration Act in March.

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

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

ORDER TO PROCEED TO CONSIDERATION OF ILO CONVENTION ON FEBRUARY 20, 1990, AT 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, February 20, at 2:15 p.m., the Senate proceed to executive session to consider the ILO convention, No. 160, concerning labor statistics.

I ask unanimous consent that the treaty be advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification.

I further ask unanimous consent that there be 1 hour of debate equally divided between the chairman and ranking member of the Committee on Foreign Relations; that no motions, resolutions, declarations, or understandings be in order; that at 3:15 p.m. the Senate proceed, without any intervening action, to vote on the treaty; that 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.

ORDER TO RETURN TO LEGISLATIVE SESSION, FOLLOWING THE ILO CONVENTION, AND CONSIDERATION OF H.R. 2281, ON TUESDAY, FEBRUARY 20, 1990, AT 3:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately upon the conclusion of the vote on the ILO convention on Tuesday, February 20, and the Senate's return to legislative session, the Senate then proceed to Calendar No. 124, H.R. 2281, the school dropout bill, and that the bill be considered under the following limitation:

One hour on the bill to be equally divided between Senators PELL and KASSEBAUM or their designees.

No amendments or motions will be in order, except for motions to reconsider and to table the vote on final passage; and when all time is used or yielded back, the Senate, without any intervening action, proceed to vote on final passage of the bill.

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

ORDER TO CALL UP THE NATIONAL SERVICE BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that at any time beginning no earlier than Wednesday, February 21, the majority leader may call up Calendar No. 331, S. 1430, the national service bill, the time and date to be in agreement with the Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, and I have no intention of objecting, I want to indicate to the majority leader that if he did come to me on Wednesday, February 21, it might be that we would have to skip it some but it is not our intent to delay consideration of this bill.

It is my understanding that there are negotiations going on between the principals and the White House and other Senators, and that they may reach some agreement. That is why we added this rather unusual request, in addition to consultation, that we have an agreement on the specific time and data.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader for his clarifying comment. As he and I have discussed previously, this covers only the circumstance in which a unanimous-consent request is made and that any time thereafter on Wednesday, February 21, or thereafter, I could still make a motion to proceed which would, of course, not be covered by this agreement.

But I have discussed this with the distinguished Republican leader, and I am pleased that he has indicated he expects his willingness to take it up some time that week, and if we can get to it on that week, I believe it would be helpful. It is an important bill, and I believe that those interested parties who have been discussing it are, as the distinguished Republican leader has indicated, very close to an agreement, and I hope they will be at that time. I thank the Republican leader.

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

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported today by the Committee on Commerce, Science, and Transportation:

Susan M. Coughlin, to be a member of the National Transportation Safety Board;

Edward J. Philbin, to be a member of the Interstate Commerce Commission;

John W. Lyons, to be Director of the National Institute of Standards and Technology;

William D. Hathaway, to be a Federal Maritime Commissioner;

Ervin S. Duggan, to be a member of the Federal Communications Commission; and

James L. Kolstad, to be Chairman of the National Transportation Safety Board.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

Susan M. Coughlin, to be a member of the National Transportation Safety Board;

Edward J. Philbin, to be a member of the Interstate Commerce Commission;

John W. Lyons, to be Director of the National Institute of Standards and Technology;

William D. Hathaway, to be a Federal Maritime Commissioner;

Ervin S. Duggan, to be a member of the Federal Communications Commission; and

James L. Kolstad, to be Chairman of the National Transportation Safety Board.

STATEMENT ON THE NOMINATION OF FORMER SENATOR BILL HATHAWAY TO FEDERAL MARITIME COMMISSION

Mr. MITCHELL. Mr. President, I am pleased that the Senate is now considering the nomination of our former colleague, Senator Bill Hathaway, to the Federal Maritime Commission.

Bill Hathaway has a long and distinguished career in public office, both as an appointed and elected official. He has an outstanding record of public service in Maine, and has been the representative of the people of Maine in both the House of Representatives and the U.S. Senate.

Maine is a coastal State with a long and proud maritime tradition. Maritime commerce is of vital importance to the State, a tradition that is carried on today. I am pleased to see that President Bush has named a Maine man, an experienced, dedicated, and respected Maine man, to this important maritime position.

This is a happy confluence of man and position. Bill's familiarity with maritime issues provide him with an exceptionally strong foundation for his future responsibilities. His broad range of experience in government office provide him with the necessary hands-on skills to serve as a Federal Commissioner. Bill's qualifications include a familiarity with both the substantive issues and the legislative dynamics involved in maritime matters.

But Senator Hathaway is not just superbly qualified by experience. His integrity, his dedication to hard work and his temperament have earned him the confidence and respect of both his colleagues and constituents. These qualities have distinguished his career as a public official and also his career since he left the Senate. They are qualities he will bring to the Federal Maritime Commission.

I am not only proud to have served with him in a public sense for many years, but to be able to call him a friend for more than a quarter of a century. I enthusiastically and wholeheartedly support Senator Hathaway as Federal Maritime Commissioner, and I ask the Senate to act favorably on his nomination.

If I might add a brief extemporaneous comment.

Mr. President, former Senator Hathaway is a distinguished Maine citizen who served the people of his State and the Nation as Member of the House of Representatives and as a Member of the Senate. He is well known to the distinguished Republican leader and me, and one who I am pleased that we are able today to confirm to this important position. He brings experience, knowledge, good judgment to the position, and I am certain will merit the confidence which the President has placed in nominating him to this position and which the Senate has demonstrated and confirmed for the position.

STATEMENT ON THE NOMINATION OF FORMER SENATOR BILL HATHAWAY TO FEDERAL MARITIME COMMISSION

Mr. DOLE. Mr. President, let me join in the comments by the distinguished majority leader. Former Senator Hathaway is a friend of all of us, particularly a friend of mine. I wish him success and congratulate him upon his confirmation. I know he will do an outstanding job for the people of the United States.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate will return to the consideration of legislative business.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 434, 435, and 436 en bloc; that the bills be deemed read a third time and passed and the motion to reconsider the passage of these bills be laid upon the table.

Mr. President, I further ask unanimous consent that the consideration of these items appear individually in the RECORD.

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

RELIEF OF MARIA LUISA ANDERSON

The bill (S. 1229) for the relief of Maria Luisa Anderson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Maria Luisa Anderson shall be classified as a child within the meaning of section 101(b)(1)(E) of that Act (8 U.S.C. 1101(b)(1)(E)), upon filing of a petition filed on her behalf by her adoptive parents, citizens of the United States, pursuant to section 204 of that Act (8 U.S.C. 1154). No natural parent, brother, or sister, if any, of Maria Luisa Anderson shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF GEETHA KANNAN

The bill (S. 1467) for the relief of Geetha Kannan, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Geetha Kannan may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Doctor Ramamurthi Kannan, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF ROSWITHA STARINS

The bill (S. 1493) for the relief of Roswitha Starins, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Roswitha Starins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are avail-

able to native's of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

INTERNATIONAL DRUG SUMMIT IN COLOMBIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 244, submitted earlier today by Senator BRYAN.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 244) commending President Bush for promoting and participating in the drug summit in Colombia on February 15, 1990, and urging the President to take steps at the drug summit to promote the enactment and enforcement of chemical diversion laws.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. HOLLINGS. Mr. President, today I rise in support of a sense-of-the-Senate resolution urging President Bush to raise at the upcoming International Drug Summit in Colombia the critical issue of chemical diversion to narcotics producers.

Mr. President, on Tuesday, February 1990, I chaired a hearing in the Senate Committee on Commerce, Science, and Transportation on this critical issue. At the hearing, we heard convincing testimony that millions of pounds of United States-made chemicals are ending up in drug labs in Colombia.

I do not question the intentions of the U.S. shippers of these chemicals. I know full well the many legitimate uses for these chemicals. However, I am concerned that some American-made chemicals are finding their way into the hands of drug lords in South America and then into the hands of our citizens in the deadly form of cocaine.

The United States currently has laws to deal with this problem, but many other nations have not adopted statutes similar to ours. It will not do any good to stop suspicious shipments from the United States if drug lords then obtain the chemicals from Europe or elsewhere. I urge President Bush to use the findings of our hearing to raise this issue with other countries that also ship these chemicals to South America at the February drug summit.

We are all aware of the brutal consequences illegal drugs have wrecked upon our society. We know it has permeated our culture from street corners to schoolyards. The afflicted are all around us—in corporate boardrooms, back alleys, and baby cribs.

Policymakers have always struggled between what we want to do and what we can do. There is no question, we all want to stop the deadly flow of drugs. Hopefully, the hearings held in the Commerce Committee earlier this week along with this resolution can give President Bush enough ammunition to fight this war in his meetings next week.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas, President Bush has announced his intentions to represent the United States at the drug summit in Bogota, Colombia, on February 15, 1990, thus lending the summit high-level credibility;

Whereas solving the drug abuse problem in the United States is universally acknowledged as our greatest domestic challenge;

Whereas the United States Government spent $9.4 billion in fiscal year 1990 for anti-drug programs;

Whereas it is estimated that 250,000 babies will be born suffering effects from their mothers' drug use during pregnancy;

Whereas from January to June 1989 more than 117,000 persons were treated in emergency rooms for narcotics;

Whereas a National Institute of Justice study detemined that 80 percent of males arrested for violent crimes in Washington, D.C., New York City, Philadelphia, and San Diego, tested positive for illegal drug use;

Whereas it is widely known that chemicals are critical in the processing of illegal narcotics, that chemicals produced worldwide are shipped to Colombia, and that more than 40 percent of these chemicals are being diverted to the drug cartels;

Whereas the United States took positive action in 1988 by passing the Chemical Diversion and Trafficking Act which gives the Drug Enforcement Administration the authority to stop shipments of chemicals not destined for legitimate industrial, commercial, or scientific use; and

Whereas although the United States and 76 other countries signed the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, only four countries, the United States, the Bahamas, Nigeria, and China, have ratified the Convention: Now, therefore, be it

Resolved, That the Senate commends President Bush for his courage and initiative in agreeing to represent the United States at the drug summit in Colombia on February 15, 1990 and include among the steps he takes at the drug summit efforts to promote the enactment and enforcement of chemical diversion laws, including—

(1) requesting all countries to ratify the United Nations Convention Against Illicit Traffic in Narcotic Drugs;

(2) requesting all countries to enact laws as strong as the United States chemical diversion laws;

(3) working with Colombian, Bolivian, and Peruvian authorities, many of whom risk their lives every day, to provide full cooperaton with their drug enforcement officials to eliminate the diversion of chemicals in their countries; and

(4) encouraging the Colombians to institute internal licensing requirements to control the flow of chemicals.

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

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

The motion to lay on the table was agreed to.

BILL INDEFINITELY POSTPONED—S. 2092

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 442, S. 2092 be indefinitely postponed.

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

AMERICAN SOVIET YOUTH ORCHESTRA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 198, regarding the Soviet Youth Orchestra, and I ask for its immediate consideration.

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

The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 198) authorizing a concert by the American Soviet Youth Orchestra on the Capitol grounds.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

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

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 198) was agreed to.

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

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

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR—S. 2124

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 2124, the National Space Council Authorization Act of 1990, introduced earlier today by Senator HOLLINGS, be placed on the Calendar.

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

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

MISSISSIPPI RIVER STUDY

Mr. JOHNSTON. Mr. President, the Mississippi River winds its way from northern Minnesota's Lake Itasca for more than 2,400 miles before reaching its final destination—the Gulf of Mexico. The Mississippi combines with five other major waterways—the Arkansas, Missouri, Ohio, Red, and Tennessee—to form the largest river in North America. More than 1.4 million square miles or 41 percent of the continental United States are drained by the Mississippi, carrying more than 685 million tons of sedimentary material to the Gulf annually.

The silt deposited over hundreds of years by this great river laid the foundation upon which Louisiana now flourishes. The 1.5 million people in Louisiana depend on this great river for drinking water, not to mention the millions more for whom the Mississippi provides recreation and irrigation.

The Mississippi River is, unfortunately, also a repository for much of the Nation's waste from industrial, agricultural, municipal, and domestic operations. We need to know the existing as well as potential sources of this pollution so that the appropriate steps can be taken to improve and protect the quality of the water in the Mississippi River. Although the effects of pesticides and trace elements on the water quality of the Mississippi are already being examined by the U.S. Geological Survey, that particular study concentrates on the portion of the river south of St. Louis.

That is why I am proud to cosponsor a bill introduced by my respected colleague from Minnesota. This measure will instruct the director of the geological survey to conduct a study of the water quality of the entire Mississippi River. The director does not, however, have to take on this task without any additional resources. He is authorized to consult with, and request assistance from the Fish and Wildlife Service, Environmental Protection Agency, and the Army Corps of Engineers, and $2 million will be appropriated to fund the study.

I pledge my full support as chairman of the Energy and Natural Resources Committee and the Appropriations Subcommittee on Energy and Water Development to facilitate the consideration, and ensure the enactment, of this bill. I commend my colleague from Minnesota for his hard work on this legislation and strongly urge your support for it.

THE SITUATION IN KASHMIR

Mr. MOYNIHAN. Mr. President, I rise to discuss a problem which has already been the cause of much bloodshed. Namely, ethnic and national strife in the Vale of Kashmir. In 1947 the British Government determined that there was no practical alternative to partitioning the subcontinent and advanced the scheduled data for independence from June 1, 1948 to August 15, 1947. Communal strike intensified, then erupted into violent civil war.

Some of the most bitter fighting took place in the rugged and beautiful area of Kashmir. At independence the question of whether Kashmir—which had a primarily Muslim population—would join Pakistan or India, or seek to become an independent state, led to fighting between regular units of the Pakistani and Indian armies. A ceasefire line, supervised by the United Nations, was agreed to on January 20, 1949, and left the majority of the state under Indian control.

In 1965 an incident in the Rann of Kutch near the Arabian Sea led to renewed hostilities, which spread to the mountains of Kashmir. By the time the parties accepted a United Nations Security Council resolution calling for a ceasefire and withdrawal to the 1949 ceasefire lines the combatants had suffered 20,000 casualties, 400 tanks destroyed and nearly 100 aircraft downed. Fighting in Kashmir erupted for a third time during the 1971 East Pakistan crisis.

Three wars in less than 25 years. But then in July 1972, Indian Prime Minister Indira Gandhi and Pakistani President Zulfikar Ali Bhutto met in the Indian city of Simla and turned away from violent solutions to the conflict. They signed the Simla Agreement, committing the parties to pursue a peaceful settlement to the Kashmir problem. For the last 19 years the two nations have been at peace.

Unfortunately, during the last 2 years we have witnessed renewed tension in Kashmir. Since 1988 militants in Kashmir have engaged in numerous violent acts, including what the New York Times has described as terror campaigns. The violence has intensified in the last several months. Last December Islamic militants in Kashmir kidnapped the daughter of the Indian Home Minister. On January 21, Indian troops opened fire on demonstrators defying a curfew, reportedly killing more than two dozen and wounding many more. Four days later, militant separatists shot and killed four Indian Air Force servicemen.

On Monday a group of Pakistanis protesting Indian actions in Kashmir broke through a cordon of Pakistani troops at the border. Indian border guards shot and killed some of the protesters and wounded perhaps a dozen others.

Along with the escalating violence has come an escalation of rhetoric.

I am gratified to note that, to date, all reports indicate that there have been no troop mobilizations on either side and that the border itself remains relatively calm. The leaders of both states have expressed a strong desire to improve relations between India and Pakistan. The Washington Post quoted Pakistan's Foreign Minister Yaqub Khan as saying "Let me state clearly that Pakistan does not want war and similarly we believe the Indians also want to avoid war." Mr. President, it is devoutly to be wished that these two nations will not only avoid further bloodshed, but also defuse tensions and improve their historically strained relations. Together, the two states have almost 1 billion citizens and they have fought three wars since 1947. Pakistan has recently returned to the ranks of democratic nations and India has just engaged in the largest democratic event in the history of the world, namely, its recent elections. We must do what we can to contribute to a peaceful resolution of the dispute between them.

Mr. President, we will be watching events in Kashmir closely and with the utmost concern. I urge both nations to continue to adhere to the principle of non-violence embodied in the Simla Agreement and I call upon all persons in Kashmir to reject terrorism in all its forms, including kidnaping. I strongly encourage the leaders of both countries to work together to ease tensions and to continue to improve bilateral relations.

AIR FORCE UNITS FROM NORTH CAROLINA PARTICIPATE IN OPERATION JUST CAUSE

Mr. SANFORD. Mr. President, a few weeks ago Air Force C-141 aircraft flew over Sicily Drop Zone on the Fort Bragg military reservation to drop troops returning from their deployment as part of Operation Just Cause. As the paratroopers descended, those airplanes and their crews continued on their way to their respective home bases, another mission completed safely and with the skill and precision that makes those crews the best.

United States Air Force units from across the country participated in the United States military actions in Panama last December. The Military Airlift Command, the Strategic Air Command, the Air Force Reserve, and the Air National Guard all have units based in North Carolina. All participated in Operation Just Cause. Their participation demonstrates how well our active duty, Reserve, and Guard units operate together in national security emergencies. It also highlights how vital our Guard and Reserve units are to our national defense structure.

From the very beginning of the first troop drops, to the evacuation of the wounded, to the returning of those who lost their lives, to the transporting of General Noriega to the United States, to returning the troops home victoriously, the men and women of the Air Force executed the duties of their mission in a superior manner.

I have stated earlier the great pride North Carolinians have in the military, especially military units that are based in the State. I, too, have exceptional pride in those forces and wish to express that on the floor of the Senate today. During Operation Just Cause, the U.S. Air Force units based in North Carolina served the Nation with great courage and professionalism, two traits that are the norm rather than the exception.

Mr. President, I ask unanimous consent that the names of the Air Force units from North Carolina that participated in Operation Just Cause be entered into the RECORD along with their home bases.

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

Military Airlift Command, Pope Air Force Base, North Carolina:
317th Tactical Airlift Wing;
1st Aeromedical Evacuation Squadron;
3rd Mobile Aerial Port Squadron; and
Strategic Air Command, Seymour Johnson Air Force Base, North Carolina:
344th Air Refueling Squadron; and
911th Air Refueling Squadron.
Air Force Reserve, Seymour Johnson Air Force Base, North Carolina:
77th Air Refueling Squadron.
Air National Guard, Charlotte, North Carolina:
145th Tactical Airlift Group.

IT IS TIME TO SUPPORT DEMOCRACY IN YUGOSLAVIA

Mr. DOLE. Mr. President, as we have seen over the past several months, events in Yugoslavia are following the volatile pattern of events throughout Eastern Europe. Once considered a progressive regime—in comparison to the other Communist regimes in Eastern Europe—today's Yugoslav Government is a symbol of tyranny and repression.

One glaring example of this repression we have seen on the front pages of our newspapers—the crisis in Kosovo. Serbia has maintained martial law in the Province of Kosovo for almost a year now. Hundreds of Albanians have been injured and arrested during rallies calling for democracy. And, since January 24 of this year, more than two dozen Albanians have been killed in Kosovo by police and security forces.

Groups throughout Yugoslavia, including Croatians and Slovenians, have protested the treatment of the Albanians at the hands of Serbian authorities. Unfortunately, there seems to be no end in sight. According to press reports, earlier this week, the President of the Serbian Republic threatened to send hundreds of thousands of Serbs to take over the Province of Kosovo.

Despite this wave of brutal oppression in Yugoslavia, there is cause for hope. Democratic forces are emerging as seen in the formation of democratic parties in the Republics of Slovenia and Croatia, as well as in the Province of Kosovo. And, free elections will be held in the Republic of Croatia in mid-April.

I firmly believe that democracy and respect for human rights form the basis for effective and lasting solutions to the current crisis in Yugoslavia. Moreover, in my view the United States must publicly support these democratic developments in Yugoslavia, as in other East European countries. And, I am sure that my colleagues would agree.

Unfortunately, to date, in public appearances, at least United States policy toward Yugoslavia has not kept pace with events. This situation, however, can be corrected easily if the United States publicly and aggressively supports peaceful democratic change in Yugoslavia.

A policy that supports the development of democratic political parties in Yugoslavia will go a long way toward getting things on the right track. In Yugoslavia, as in other East European countries, communism is being slowly strangled by the forces of democracy. As Americans, so fortunate to live in the country that represents the light of freedom, we need to continue to support democracy throughout the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

THE NOMINATION OF CLARENCE THOMAS

Mr. HEFLIN. Mr. President, today, I rise to announce my support of the President's choice of Clarence Thomas to be a judge on the U.S. Circuit Court of Appeals for the District of Columbia. I have carefully reviewed his record and believe that Mr. Thomas is qualified for a seat on the Federal bench.

Clarence Thomas rose from humble beginnings to achieve a high measure of success. He was raised in coastal Georgia by his grandfather who could barely read or write but instilled in him a strong sense of the importance of values and education. Mr. Thomas graduated from Holy Cross College and received his law degree from Yale. He began his legal career in Missouri and came to Washington as an aide to Senator JOHN DANFORTH. After a brief stint at the Department of Education as Assistant Secretary for Civil Rights, he was confirmed as the Chairman of the Equal Employment Opportunity Commission, and has remained in that position since 1982. Clearly Mr. Thomas' life has been a strong example of an American success story.

I recognize that there has been a great deal of publicity surrounding this nomination and that some groups have expressed their opposition to Mr. Thomas' nomination. Although some criticisms of Mr. Thomas' record have come out, I believe he has successfully addressed each concern in his hearing. After a review of his record, I find that Mr. Thomas is clearly within the mainstream of judicial thought. Although individuals may differ as to a legal philosophy, Mr. Thomas will bring to the bench a thoughtful and scholarly record and approach. I believe that Mr. Thomas has demonstrated the necessary judicial philosophy and temperment which more than qualify him to sit on the Federal bench.

I commend Mr. Thomas for his personal accomplishments, and trust that he will have a long and successful career on the Federal bench. I intend to fully support his nomination and commend Mr. Thomas to my colleagues.

MESSAGES FROM THE HOUSE

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (S. 1465) to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Merchant Marine and Fisheries, for consideration of the House bill (except title VIII), and the Senate amendment (except sections 601 and 602), and modifications committed to conference: Mr. Jones of North Carolina, Mr. Studds, Mr. Tauzin, Mr. Carper, Mr. Hughes, Mr. Davis, Mr. Young of Alaska, and Mr. Lent: *Provided*, That Mr. Shumway is appointed in place of Mr. Young of Alaska for consideration of title I and section 2004 of the House bill, and title I and section 405 of the Senate amendment.

From the Committee on Public Works and Transportation, for consideration of the House bill (except title VIII), and the Senate amendment (except sections 601 and 602), and modifications committed to conference: Mr. Anderson, Mr. Roe, Mr. Mineta, Mr. Oberstar, Mr. Nowak, Mr. Hammerschmidt, Mr. Shuster, and Mr. Stangeland: *Provided*, That Mr. Kolter is appointed in place of Mr. Anderson for consideration of section 4114 of the House bill; Mr. Rahall is appointed in place of Mr. Roe for consideration of title VII of the House bill, and sections 205, 309, 354, and 356 of the

Senate amendment; Mr. Laughlin is appointed in place of Mr. Roe for consideration of sections 1002 and 1004 of the House bill, and corresponding portions of section 102 of the Senate amendment; Mr. Borski is appointed in place of Mr. Roe for consideration of sections 4101 through 4205 of the House bill, and corresponding portions of the Senate amendment; and Mr. Upton is appointed in place of Mr. Shuster for consideration of section 4203 of the House bill and section 203 of the Senate amendment.

From the Committee on Foreign Affairs, for consideration of title III of the House bill, and sections 603 and 604 of the Senate amendment, and modifications committed to conference: Mr. Fascell, Mr. Yatron, Mr. Owens of Utah, Mr. Lantos, Mr. Feighan, Mr. Broomfield, Mr. Bereuter, and Mr. Miller of Washington.

From the Committee on Science, Space, and Technology, for consideration of title VII of the House bill, and sections 205, 309, 354, and 506 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Scheuer, Mr. Brown of California, Mrs. Lloyd, Mr. Walgren, Mr. Walker, Ms. Schneider and Mr. Morrison of Washington.

From the Committee on Interior and Insular Affairs, for consideration of title I and section 2004 of the House bill, and title I and section 405 of the Senate amendment, and modifications committed to conference: Mr. Udall, Mr. Miller of California, Mr. Sharp, Mr. Young of Alaska, and Mr. Craig.

From the Committee of Interior and Insular Affairs, for consideration of title VIII of the House bill, and sections 601 and 602 of the Senate amendment, and modifications committee to conference: Mr. Udall, Mr. Miller of California, Mr. Sharp, Mr. Vento, Mr. DeFazio, Mr. Young of Alaska, Mr. Marlenee, and Mr. Craig.

From the Committee on Energy and Commerce, for consideration of sections 8103, 8201, and 8202 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Hall of Texas, and Mr. Lent.

From the Committee on Merchant Marine and Fisheries, for consideration of title VIII of the House bill, and sections 601 and 602 of the Senate amendment, and modifications committed to conference: Mr. Jones of North Carolina, Mr. Tauzin, Mr. Carper, Mr. Davis, and Mr. Fields.

From the Committee on Public Works and Transportation, for consideration of title VIII of the House bill, and sections 601 and 602 of the Senate amendment, and modifications committed to conference: Mr. Anderson, Mr. Mineta, Mr. Nowak, Mr. Hammerschmidt, and Mr. Stangeland.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993; and

H.R. 2190. An act to establish national voter registration procedures for elections for Federal office, and for other purposes.

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3952. to authorize certain United States assistance and trade benefits for Panama, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

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

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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. 2190. An act to establish national voter registration procedures for elections for Federal office, and for other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 8, 1990, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 103. Joint resolution to designate the period commencing February 18, 1990, and ending February 24, 1990, as "National Visiting Nurse Associations Week"; and

S.J. Res. 217. Joint resolution to designate the period commencing February 4, 1990, and ending February 10, 1990, and the period commencing February 3, 1991, and ending February 9, 1991, as "National Burn Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Susan M. Coughlin, of Pennsylvania, to be a member of the National Transportation Safety Board for the term expiring December 31, 1993;

James L. Kolstad, of Colorado, to be chairman of the National Transportation Safety Board for a term of two years;

Barry Lambert Harris, of Maine, to be Deputy Administrator of the Federal Aviation Administration;

Edward J. Philbin, of California, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1993;

John W. Lyons, of Maryland, to be Director of the National Institute of Standards and Technology;

William D. Hathaway, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1993; and

Ervin S. Duggan, of South Carolina, to be a member of the Federal Communications Commission for a term of five years from July 1, 1989.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the CONGRESSIONAL RECORDS of January 25 and February 5, 1990, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

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. ADAMS (for himself, Mr. MITCHELL, and Mr. PACKWOOD):

S. 2105. A bill to amend the District of Columbia Appropriations Act, 1990; to the Committee on Appropriations.

By Mr. THURMOND:

S. 2106. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 2107. A bill to temporarily suspend the duty on copper acetate monohydrate; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CRANSTON, Mr. HEFLIN, Mr. BENTSEN, Mr. WILSON, Mr. DASCHLE, Mr. CONRAD, Mr. PACKWOOD, Mr. HARKIN, Mr. PRYOR, Mr. KERREY, Mr. BOREN, Mr. SHELBY, Mr. BUMPERS, Mr. KOHL, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KENNEDY, and Mr. KERRY):

S. 2108. A bill to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DIXON:

S. 2109. A bill to suspend temporarily the duty on parts of generators for use on aircraft; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2110. A bill to provide for the duty-free liquidation of certain entries; to the Committee on Finance.

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. SIMON, Mr. DOLE, Mr. ADAMS, Mr. BENTSEN, Mr. BRADLEY, Mr. BRYAN, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. GORTON, Mr. HEFLIN, Mr. HOLLINGS, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mr. STEVENS, Mr. WILSON, and Mr. DASCHLE):

S. 2111. A bill designating the month of May as "Asian/Pacific American Heritage Month;" to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. ADAMS, and Ms. MIKULSKI):

S. 2112. A bill to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 2113. A bill to promote and assist in the development of the private sector, including small and medium-sized businesses, in Central and Eastern Europe through an export enhancement regime that will encourage direct private investment in such countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. MITCHELL, Mr. BYRD, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BINGAMAN, Mr. DODD, Mr. GORE, Mr. INOUYE, Mr. KERREY, Ms. MIKULSKI, Mr. SIMON, and Mr. STEVENS):

S. 2114. A bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 2115. A bill to temporarily suspend the duty on certain infant nursery monitors and intercoms; to the Committee on Finance.

S. 2116. A bill to temporarily suspend the duty on certain glass fibers; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 2117. A bill to designate certain lands as wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2118. A bill to amend the Disaster Assistance Act of 1989 to require the Secretary of Agriculture to consider damaged crops and spring replacement crops as separate crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN (for himself and Mr. LEAHY):

S. 2119. A bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S. 2120. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. COATS:

S. 2121. A bill to promote excellence in American education by removing restrictions in Federal programs that limit the opportunities for open enrollment, by providing assistance to State educational agencies and local educational agencies that desire to adopt or expand open enrollment programs, by supporting research on open enrollment, and for other purposes; to the Committee on Labor and Human Resources.

S. 2122. A bill to establish a Bootstrap School Program; to the Committee on Labor and Human Resources.

S. 2123. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of parental choice and open enrollment in public schools; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. GORE):

S. 2124. A bill to authorize appropriations for the National Space Council, and for other purposes; placed on the calendar.

By Mr. DODD (for himself, Mr. BIDEN, Mr. BUMPERS, Mr. SANFORD, and Mr. SASSER):

S. 2125. A bill to condition the availability of United States assistance for El Salvador; to the Committee on Foreign Relations.

By Mr. DANFORTH:

S. 2126. A bill to continue the temporary suspension of the duty on terfenadone; to the Committee on Finance.

S. 2127. A bill to continue the temporary suspension of the duty on nicotine resin complex; to the Committee on Finance.

By Mr. KERRY:

S. 2128. A bill to direct the Secretary of Veterans Affairs to establish and maintain a comprehensive services program for homeless veterans; to the Committee on Veterans Affairs.

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. BOREN, Mr. COCHRAN, Mr. DOLE, Mr. GARN, Mr. GRASSLEY, Mr. HEFLIN, Mr. LOTT, Mr. METZENBAUM, and Mr. RIEGLE):

S.J. Res. 255. Joint resolution designating the 1990 Filing Season, to be celebrated as the "20th Anniversary of the IRS-Sponsored Volunteer Programs Season"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. WARNER, Mr. GORTON, Mr. DURENBERGER, Mr. COCHRAN, Mr. PELL, Mr. MITCHELL, Mr. MATSUNAGA, Mr. DOMENICI, Mr. BRADLEY, Mr. ADAMS, Mr. DIXON, Mr. SHELBY, Mr. PRESSLER, Mr. PRYOR, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. THURMOND, Mr. DASCHLE, Mr. BURDICK, Mr. STEVENS, Mr. CONRAD, Mr. DOLE, Mr. JEFFORDS, Mr. CRANSTON, Mr. HEFLIN, and Mr. DODD):

S.J. Res. 256. Joint resolution to designate the week of October 7, 1990 through October 13, 1990, as "Mental Illness Awareness Week"; 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:

S. Res. 243. Resolution providing for the allocation of any peace dividend; to the Committee on Appropriations.

By Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. DECONCINI, Mr. D'AMATO, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. PRYOR:

S. Res. 244. Resolution commending President Bush for promoting and participating in the drug summit in Colombia on February 15, 1990, and urging the President to take steps at the drug summit to promote the enactment and enforcement of chemical diversion laws; considered and agreed to.

By Mr. HATCH:

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS (for himself, Mr. MITCHELL, and Mr. PACKWOOD):

S. 2105. A bill to amend the District of Columbia Appropriations Act; to the Committee on Appropriations.

AMENDMENT OF DISTRICT OF COLUMBIA APPROPRIATIONS ACT

Mr. ADAMS. Mr. President, today I am introducing legislation that will correct a grave injustice done to U.S. citizens living in the U.S. Capital. I am joined in this effort by the distinguished majority leader, Mr. MITCHELL, and the Senator from Oregon [Mr. PACKWOOD].

Mr. President, during our deliberations on the appropriations bill for the District of Columbia, the Congress agreed last year on language that had been the law on abortion throughout most of the decade of the 1980's, the law as to what would apply in the District of Columbia.

This language restricted the use of Federal funds for abortion, as was done in every other State and local jurisdiction in this country except for cases where the life of the mother is in danger or in cases of rape and incest.

However, President Bush wanted to impose his will on the people of the District of Columbia by threatening to veto the legislation unless the sole restriction was to instances where the life of the mother is in danger, and the District taxpayers' tax funds were also restricted.

I want to emphasize that the District taxpayers could not spend their own locally raised funds for the purpose they wished.

The President then rejected a compromise which would have given him the language he wanted, "only the life of the mother restriction," but would have preserved the rights of the District's citizens to have their elected officials decide how to use local tax revenue—I want to stress that, local tax revenues—for abortion.

This right of elected officials to determine how their money shall be spent is basic to all Americans. Government acts with the consent of the governed. In this instance, President Bush ignored the will of the citizens of the District of Columbia, who have no vote in Congress. He chose to use the full force of the Presidential power through use of the veto to bear on the powerless.

This act demonstrates the insensitivity of the President on this issue and his willingness to use any means possible to have his way on this issue, re-

gardless of what is right, the views of the Congress or the American people.

I am prepared to offer a similar provision to various legislation in order to give the President the opportunity to correct the wrong to some of our fellow citizens who happen to live in the Nation's Capital.

I am confident that when the time comes my colleagues will join with me, as they have in the past, to give the citizens of the District the same rights that other Americans enjoy, the right to spend their locally raised funds for the purposes they wish through the actions of their elected legislature on the right to choose with regard to abortion.

By Mr. THURMOND:

S. 2106. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

SUSPENSION OF JUDGES AND JUSTICES UPON A FELONY CONVICTION

Mr. THURMOND. Mr. President, I rise today to introduce legislation which provides that a justice or judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings.

Mr. President, I believe that the citizens of our country will agree that those who have been convicted of felonies should not occupy positions of trust and responsibility in our judicial branch of government. Under current constitutional law, however, it is possible for Federal judges who are appointed by the President, with the advice and consent of the Senate, to continue to serve and receive a salary after such a conviction. In order to remove these Federal judges, if they are unwilling to resign, it is necessary that they be impeached, a process which, due to the heavy workload of the House and Senate, may not take place for many, many months, even years, after the date of conviction.

The Congress now has the power to proceed against and impeach officers of the government, including judges, who have committed treason, bribery, or other high crimes and misdemeanors. However, when the courts of this Nation find a Federal judge guilty of a serious crime, he should not be allowed to remain on the bench hearing cases and receiving a salary pending impeachment proceedings by Congress. In recent cases in which Federal judges have been convicted of felonies, they continued to receive their salaries while serving time in prison. I find this totally unacceptable.

Mr. President, one way to address this intolerable situation would be by amending the Constitution. Therefore, on January 25, 1989, I introduced Senate Joint Resolution 11, a proposed amendment to the Constitution providing for forfeiture of office by government officials and judges convicted of felonies. The Judiciary Committee has been reluctant to act on this constitutional amendment. Rather than suffer further delays, I have prepared a statutory remedy which may accomplish the same purpose.

In summary, the legislation which I am introducing today will amend the U.S. Code so that a justice or judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings.

Mr. President, surely the framers of the Constitution did not intend for convicted felons to serve on the bench or to continue to receive compensation once found guilty of violating the trust we have bestowed upon them. I urge my colleagues to carefully consider this legislation and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of title 28, United States Code, is amended by—

(1) inserting "(a)" before "Whenever the";

(2) adding at the end thereof the following:

"(b) Justices of the Supreme Court shall hold office during good behavior.

"(c) For purposes of the tenure or appointment of a justice, 'good behavior' shall not include any offense committed by a justice if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any justice so convicted shall be suspended from office without pay pending the disposition of impeachment proceedings.

SEC. 2. Sections 44(b), and 134(a) of title 28, United States Code, are each amended by adding at the end thereof the following: "For purposes of the tenure or appointment of a judge, 'good behavior' shall not include any offense committed by a judge if the conviction of such offense is punishable by death or imprisonment for a term exceeding one year. Any judge so convicted shall be suspended from office without pay pending the disposition of impeachment proceedings.

By Mr. LEAHY (for himself, Mr. CRANSTON, Mr. HEFLIN, Mr. BENTSEN, Mr. WILSON, Mr. DASCHLE, Mr. CONRAD, Mr. PACKWOOD, Mr. HARKIN, Mr. PRYOR, Mr. KERREY, Mr. BOREN, Mr. SHELBY, Mr. BUMPERS, Mr. KOHL, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KENNEDY, and Mr. KERRY):

S. 2108. A bill to promote the production of organically produced foods through the establishments of a national standard production for organically produced products, and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ORGANIC FOODS PRODUCTION ACT

Mr. LEAHY. Mr. President, today, I am introducing the Organic Foods Production Act of 1990.

A majority of Agriculture Committee members, as well as a host of other Senators join me in sponsoring this legislation. They include: Senators BAUCUS, BENSTEN, BOREN, BUMPERS, CONRAD, CRANSTON, DASCHLE, HARKIN, HEFLIN, KENNEDY, KERREY of Nebraska, KERRY of Massachusetts, KOHL, LIEBERMAN, PACKWOOD, PRYOR, SHELBY, and WILSON.

Congressman PETER DEFAZIO will soon be introducing companion legislation in the House.

Consumers are worried about potential hazards of the foods they eat. Instead of finding safer alternatives on supermarket shelves, they are finding a myriad of confusing and unsubstantiated claims such as "organically grown" and "natural."

The Organic Foods Production Act of 1990 will help eliminate confusion, provide safer food alternatives, and give farmers incentives to use fewer chemicals. It has three goals:

1. CONSUMERS' RIGHT TO KNOW

A March 1989 Harris Poll showed that 84 percent of Americans want organic fruits and vegetables and nearly half are willing to pay more for it. Consumers who want organic food should get what they pay for.

Currently, 22 States have different regulations for organic foods, which confuses the issue for many consumers. This bill sets one tough national standard. Only foods meeting this standard will be stamped with the "organically produced" label.

Right now, unless there are legal restrictions on use of the word "organic," anyone can label anything as organic or natural regardless of how it was produced. Temptation for mislabeling is great because organic foods often sell at premium prices and some are even deliberately mislabeled.

Consumers are unable to distinguish phony claims from the real thing, born from innovative, nonchemical farming. This bill will ban misleading and fraudulent labeling, and self-proclaimed "natural" and "organic" products. Tough penalties will be imposed on cheaters.

Grocery stores are also confused and tend to avoid organic food. Conflicting standards, misleading labels, and problems with verification, discourage large grocery chains from buying organic products.

What will the "organically produced" label mean? It will mean food grown by farmers without using substances known to be harmful to health—such as synthetic pesticides,

hormones, or antibiotics—or to cause environmental pollution.

Farmers would refrain from using synthetic chemicals for at least a 3-year period before their products can be labeled "organic". The bill would also mandate periodic residue testing and periodic unannounced site inspections; and would allow States and/or independent agencies to run the certification program. States can also enact stronger standards.

2. A BETTER ENVIRONMENT

Excessive chemical use is fouling our food, soil, and water. EPA has found at least 77 pesticides in ground water of 39 States. Farmers are worried that prolonged exposure to pesticides places them and their families at risk.

A recent Iowa State University poll showed that 78 percent of Iowa farmers believe that modern farming relies too heavily on insecticides and herbicides.

Organic farming can be part of the solution by promoting ecological farming and improving food safety.

3. CHANGING THE WAY WE FARM

Current farm programs encourage chemical-intensive agriculture by discouraging crop rotations and limiting diversity. Current agricultural research favors high-input farming. This bill will help American farmers shed their dependency on synthetic pesticides and fertilizers.

Public concern about sodium and cholesterol have already fostered low-sodium and low-cholesterol products. As the public begins to trust and ask for food with the "organically produced" label, agriculture will respond, prompting a market-driven expansion of nonchemical farming.

Supermarkets, able to trust the "organically produced" label, will be more willing to carry organic food, generating increased consumer demand, thus contributing to more profitable farming.

A national organic promotion board will be established to foster and strengthen the organics industry. Board sponsored research and education will help foster sustainable agriculture.

This act requires the U.S. Department of Agriculture to establish an accreditation program for laboratories that test for pesticide residues in food. By meeting strict national standards, the reliability and accuracy of the tests preformed by such accredited facilities will be ensured.

This act also establishes a pilot program to explore the implications of a low input label for farmers who use low input sustainable agriculture methods of production.

In my home State of Vermont, the number of organic farmers has almost doubled in the last year. Vermont companies now produce organic dairy products, fresh produce, baby foods, and pasta.

The Vermont Chapter of NOFA—Natural Organic Farmers Association—is working with the State Department of Agriculture to run Vermont's strong and growing organic certification program.

This bill represents the efforts of many environmental, public citizen, and farm groups throughout the country. I would particularly like to thank the Organic Foods Act Working Group [OFAWG]; the Organic Farming Associations' Council [OFAC]; the Organic Foods Alliance [OFA]; and the United Fresh Fruit and Vegetable Association, which has led the way to develop a national organic certification program. All of these groups have spent enormous amounts of energy helping to develop this legislation.

Finally, I would like to thank a few fellow Vermonters who have also been a great help. They are Enid Wannacott and Grace Gershuny of NOFA, and Will Stevens, whose successful organic farm in Bridgeport, is a fine example of the way farms could be run across the country.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 2108

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 "Organic Foods Production Act of 1990".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—NATIONAL STANDARDS GOVERNING THE ORGANIC PRODUCTION OF AGRICULTURAL PRODUCTS

Sec. 101. Definitions.
Sec. 102. National organic production program.
Sec. 103. Establishment of label.
Sec. 104. General requirements.
Sec. 105. State organic certification program.
Sec. 106. Accreditation program.
Sec. 107. Requirements of certifying agents.
Sec. 108. Inspectors.
Sec. 109. Peer review of certifying agents.
Sec. 110. National standards for organic production.
Sec. 111. National list.
Sec. 112. Prohibited crop production practices and materials.
Sec. 113. Contents of organic farm plan.
Sec. 114. Animal production practices and materials.
Sec. 115. Post-harvest handling.
Sec. 116. Processing and marketing.
Sec. 117. Labeling of ingredients.
Sec. 118. Additional guidelines.
Sec. 119. Other production and handling practices.
Sec. 120. Violations of Act.
Sec. 121. Citizen suits.
Sec. 122. Administration.
Sec. 123. Authorization of appropriations.

TITLE II—NATIONAL BOARDS

Sec. 201. Definitions.
Sec. 202. National organic promotion program.
Sec. 203. Issuance of orders.
Sec. 204. Required terms of orders.
Sec. 205. Initial national organic delegate body.
Sec. 206. Duties of the delegate body.
Sec. 207. Initial national organic board.
Sec. 208. Initial organic standards board.
Sec. 209. Referendum.
Sec. 210. Establishment of national organic assembly.
Sec. 211. Duties of national organic assembly.
Sec. 212. National organic board.
Sec. 213. Assessments.
Sec. 214. Organic standards board.
Sec. 215. Proposed national list.
Sec. 216. Permissive terms of orders.
Sec. 217. Petition and review.
Sec. 218. Enforcement.
Sec. 219. Investigations and power to subpoena.
Sec. 220. Refund of assessments.
Sec. 221. Suspension and termination.
Sec. 222. Regulations.
Sec. 223. Authorization of appropriations.

TITLE III—LOW INPUT LABEL DEMONSTRATION PROGRAM

Sec. 301. Definitions.
Sec. 302. National label demonstration program.
Sec. 303. Administration.
Sec. 304. Establishment of labels.
Sec. 305. Reports.
Sec. 306. Authorization of appropriations.

TITLE IV—NATIONAL LABORATORY ACCREDITATION

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. National laboratory accreditation program.
Sec. 404. Accreditation.
Sec. 405. Samples.
Sec. 406. Application.
Sec. 407. Reporting.
Sec. 408. Fees.
Sec. 409. Public disclosure.
Sec. 410. Regulations.
Sec. 411. Authorization of appropriations.
Sec. 412. Effective date.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) consumers are demanding fresh and processed foods produced using organic methods;

(2) organic farming methods promote more sustainable agricultural practices than traditional farming methods using high levels of chemicals;

(3) existing rules that govern the labeling of fresh and processed food do not provide national standards for food production;

(4) while some regional variation is necessary and desirable, current State and private organizations have such differing organic definitions, standards, and certification procedures that interstate commerce is hampered; and

(5) there is a need for a national program designed to standardize and promote the production of food through organic and sustainable farming methods.

(b) PURPOSES.—It is the purpose of this Act—

(1) to establish national standards governing the labeling of certain agricultural products as organically produced products;

(2) to provide consumers with reliable information concerning which products are organically produced;

(3) to assure consumers that products labeled as organically produced are not produced with, or handled with, compounds that cause adverse human health or environmental effects;

(4) to encourage environmental stewardship through the increased adoption of organic and sustainable farming methods;

(5) to assist emerging and important food industry sectors that produce, process, and market organically produced products;

(6) to provide market incentives to encourage the use of organic and sustainable farming practices;

(7) to preserve the integrity of organic food programs that have been implemented by States and encourage other States to adopt organic food programs;

(8) to facilitate interstate commerce in fresh and processed food that is organically produced; and

(9) to establish accreditation procedures for laboratories that provide certain chemical residue testing services.

TITLE I—NATIONAL STANDARDS GOVERNING THE ORGANIC PRODUCTION OF AGRICULTURAL PRODUCTS

SEC. 101. DEFINITIONS.

As used in this title:

(1) AGRICULTURAL PRODUCTS.—The term "agricultural products" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, or fowl that is marketed in the United States for human and livestock consumption.

(2) CERTIFYING AGENT.—The term "certifying agent" means the chief executive officer of a State or, in a State that provides for the Statewide election of a Commissioner of Agriculture, the Commissioner of Agriculture, or an individual (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as an organically certified farm or handling operation in accordance with this title.

(3) CERTIFIED ORGANIC FARM.—The term "certified organic farm" means a farm, or portion of a farm, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title.

(4) CERTIFIED ORGANIC HANDLING OPERATION.—The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this title as utilizing a system of organic handling as described under this title.

(5) CROP YEAR.—The term "crop year" means the normal growing season for a crop as determined by the Secretary.

(6) GOVERNING STATE OFFICIAL.—The term "governing State official" means the chief executive official of a State or, in a State that provides for the Statewide election of a Commissioner of Agriculture, the Commissioner of Agriculture, who administers the organic certification program established under section 102(a) and approved by the Secretary.

(7) GROWING MEDIUM.—The term "growing medium" means a substance that provides nutrients for plants or fungi but that is separate from the land surface.

(8) HANDLE.—The term "handle" means to sell, process, or package organically produced agricultural products.

(9) HANDLER.—The term "handler" means any individual engaged in the business of handling agricultural products.

(10) HANDLING OPERATION.—The term "handling operation" means any operation or portion of an operation that—

(A) receives or otherwise acquires agricultural products from the producer of such products; and

(B) processes, packages, or stores such products.

(11) INDIVIDUAL.—The term "individual" means a person, group of people, corporation, association, organization, cooperative, or other entity.

(12) MICRONUTRIENTS.—The term "micronutrients" means trace or minor elements in the soil that are essential for normal plant growth.

(13) NATIONAL LIST.—The term "National List" means a list of approved and prohibited substances as provided for in section 111.

(14) ORGANIC FARM PLAN.—The term "organic farm plan" means a plan of management of an organic farm that has been agreed to by the producer and the certifying agent and that includes written plans concerning all aspects of agricultural production described in this title including crop rotation and other practices as required under section 107.

(15) ORGANICALLY PRODUCED.—The term "organically produced" means an agriculture product that is produced using organic farming methods as described in this title, on an organically certified farm and handled by organically certified handling operations.

(16) ORGANICALLY PRODUCED LABEL.—The term "organically produced label" means a label that is established under section 103.

(17) PESTICIDE.—The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(18) PROCESSING.—The term "processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

(19) PRODUCER.—The term "producer" means an individual who engages in the business of growing or producing food for consumption by humans or livestock.

(20) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(21) STATE ORGANIC CERTIFICATION PROGRAM.—The term "State organic certification program" means a program that meets the requirements of section 104, is approved by the Secretary, and that is designed to ensure that a product that is labeled as "organically produced" under this title is produced and handled using organic methods.

(22) SYNTHETIC.—The term "synthetic" means a substance that is formulated or manufactured by a process which chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, excepting microbiological processes.

SEC. 102. NATIONAL ORGANIC PRODUCTION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this title.

(b) STATE PROGRAM.—In establishing the program under subsection (a), the Secretary shall permit each State to implement a State organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this title.

(c) CONSULTATION.—In developing the program under subsection (a), and the National List under section 111, the Secretary shall consult with any Organic Standards Board or Initial Organic Standards Board established under title II.

(d) LABELING.—Each certifying agent may label agricultural products that have been produced on organically certified farms and handled through certified handling operations as "organically produced".

(e) CERTIFICATION.—Each certifying agent may certify a farm or handling operation that meets the requirements of this title and the requirements of the organic certification program of the State (if applicable) as an organically certified farm or handling operation.

SEC. 103. ESTABLISHMENT OF LABEL.

(a) IN GENERAL.—The Secretary shall establish a label to be affixed to agricultural products that have been produced on organically certified farms and have been handled by organically certified handlers.

(b) CONTENT OF LABEL.—The label established under subsection (a) shall state that the agricultural product to which such label is affixed has been "organically produced" and shall bear the seal of the Department of Agriculture.

(c) AFFIXING LABEL.—

(1) REQUIREMENT.—The Secretary or certifying agent may affix such label only on an agricultural product that has been produced and handled in accordance with this title and the organic certification program of the State (if applicable) that is implemented in accordance with this title.

(2) AFFIXATION.—The Secretary or the certifying agent shall have the exclusive authority to affix such label to an agricultural product.

(d) TAMPERING WITH LABEL.—No individual may replicate, affix, or otherwise tamper with an organically produced label in any manner other than a normal consumer use, as determined by the Secretary.

(e) LIMITATION ON LABELING.—

(1) RESTRICTION.—On or after September 1, 1992, no individual may affix a label to an agricultural product that implies, directly or indirectly, that such product is organically, naturally, or ecologically produced, grown, processed, or marketed, except in accordance with this title and under an approved State organic certification program implemented under this title.

(2) EXEMPTION.—Paragraph (1) shall not apply to individuals who sell agricultural products at local farmers markets if compensation for the sale of such products does not exceed $1,000 annually.

(3) EXEMPTION FOR IMPORTED PRODUCTS.—Paragraph (1) shall not apply to imported agricultural products with labels that imply that such product is organically or naturally produced if the Secretary determines that such products have been produced and handled under an organic program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this Act.

(f) STATE LABEL.—The certifying agent, on the approval of the Secretary, may affix an additional label to an agricultural product that indicates the State origin and certifying body of such product.

SEC. 104. GENERAL REQUIREMENTS.

(a) IN GENERAL.—A program established under this title shall—

(1) require that each agricultural product that bears an organically produced label must—

(A) be produced only on organically certified farms and handled only through organically certified handling operations in accordance with this title; and

(B) be produced and handled in accordance with such program;

(2) require that producers desiring to participate under such program establish an organic farm plan under section 113;

(3) establish procedures that permit producers and handlers to appeal an adverse administrative determination under this title;

(4) require that each organic farming operation or each organic handling operation covered under such program certify to the Secretary, the governing State official (if applicable), and the certifying agent on an annual basis, that such producer or handler has not produced or handled any agricultural product bearing an organically produced label except in accordance with this title and any applicable State program;

(5) require annual on-site inspections of each farm and handling operation that has been certified under this title;

(6) require periodic residue testing of agricultural products that have been produced on organically certified farms and handled through organically certified handling operations to determine whether such products contain any pesticide or other nonorganic residue or natural toxicants;

(7) establish appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary and consistent with section 120;

(8) establish regulations to protect against conflict-of-interest as specified under section 107(i);

(9) require public access to certification documents and laboratory analyses that support certifications under this title; and

(10) require such other terms and conditions as may be determined by the Secretary to be necessary.

(b) DISCRETIONARY REQUIREMENTS.—An organic certification program established under this title may—

(1) provide for the collection of reasonable fees from producers and handlers who participate in such program; and

(2) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if—

(A) in the case of a farm, the fields to be certified have distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) in the case of a handling operation, the part of a handling operation to be certified under this title is adequately separated, as determined by the certifying agent, from other parts of the handling operation that are not organically managed;

(C) the operators of such farm or handling operation maintain separate records of all operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the governing State official; and

(D) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified land or area.

(c) STATE PROGRAM.—A State organic certification program approved under this title may contain additional guidelines governing the production or handling of products labeled as organically produced in such State as required in section 105.

SEC. 105. STATE ORGANIC CERTIFICATION PROGRAM.

(a) IN GENERAL.—A State may establish a State organic certification program that meets the requirements of this title.

(b) ADDITIONAL REQUIREMENTS.—

(1) AUTHORITY.—A State organic certification program established under subsection (a) may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of agricultural products that are to be labeled as organically produced under this title than are contained in the program established by the Secretary.

(2) CONTENT.—Additional requirements established under paragraph (1) shall—

(A) further the purposes of this title;

(B) not be inconsistent with this title;

(C) not be discriminatory towards agricultural commodities produced in other States that are certified under this title; and

(D) be approved by the Secretary.

(c) SUBMISSION TO THE SECRETARY.—

(1) INITIAL PLAN.—The governing State official shall prepare and submit, to the Secretary, a plan for the establishment of a State organic certification program, and the Secretary shall approve or disapproves of such plan.

(2) SUBSEQUENT REVIEW.—The Secretary shall review programs established under plans approved under paragraph (1) not less than once during each 5-year period following the date of the approval of such program under paragraph (1).

(3) CHANGES IN PROGRAM.—The governing State official, prior to implementing any substantive change to programs approved under paragraph (1), shall submit such change to the Secretary for approval.

(4) TIME FOR DETERMINATION.—The Secretary shall make a determination concerning any plan, proposed change to a plan, or a review of a plan not later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

SEC. 106. ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to provide a governing State official or a private individual that meets the requirements of this section, with an accreditation as a certifying agent for the purpose of certifying a farm or handling operation as an organically certified farm or handling operation.

(b) REQUIREMENTS.—To be accredited as a certifying agent under this section, a governing State official or private individual shall—

(1) prepare and submit, to the Secretary, an application for such accreditation;

(2) have sufficient expertise in organic farming and handling techniques; and

(3) comply with the requirements of this title.

(c) DURATION OF DESIGNATION.—An accreditation made under this section shall be for a period of not to exceed 4 years, or a shorter period, as determined appropriate by the Secretary.

SEC. 107. REQUIREMENTS OF CERTIFYING AGENTS.

(a) ABILITY TO IMPLEMENT REQUIREMENTS.—To be accredited as a certifying agent under section 106, a governing State official or an individual must be able to fully implement the organic labeling program established under this title.

(b) USE OF ORGANICALLY PRODUCED LABEL.—A certifying agent shall use the organically produced label only in accordance with this title and the State organic certification program (if applicable).

(c) INSPECTORS.—A certifying agent shall employ a sufficient number of inspectors as necessary to implement the program established under this title, as determined appropriate by the Secretary.

(d) RECORDKEEPING.—

(1) MAINTENANCE OF RECORDS.—A certifying agent shall maintain all records concerning the activities of such agent under this title for a period of not less than 10 years.

(2) ACCESS FOR SECRETARY.—A certifying agent shall permit representatives of the Secretary and the governing State official to have access to any and all records concerning the activities of such agent under this title.

(3) TRANSFERENCE OF RECORDS.—If a private individual that has been accredited as a certified agent under section 106 is dissolved or loses its accreditation, all records concerning activities of such individual under this title shall become the property of the Secretary and shall be transferred to the Secretary.

(e) AGREEMENT.—A certifying agent shall enter into an agreement with the Secretary under which, such agent shall—

(1) agree to carry out this title;

(2) agree to such other terms and conditions as the Secretary determines appropriate; and

(3) agree to arrange for and submit, annually to the Secretary, the results of an independent audit of the operations and activities of such agent under this title.

(f) PRIVATE CERTIFYING AGENT AGREEMENT.—A private individual that has been accredited as a certifying agent under section 106, in addition to the agreement required under subsection (e), shall—

(1) agree to hold the Secretary harmless for any failure on the part of the agent to carry out this title; and

(2) furnish reasonable security, in an amount determined by the Secretary, for the purpose of protecting the rights of participants in the program established under this title and to hold the Secretary harmless for any failure on the part of such agent to carry out this title.

(g) COMPLIANCE WITH STATE PROGRAM.—A certifying agent shall fully comply with the terms and conditions of the applicable State organic certification program implemented under this title.

(h) CONFIDENTIALITY.—Except as provided in section 104(a)(9), a certifying agent shall maintain strict confidentiality, with respect to the clients of such agent, and shall not disclose to third parties (with the exception of the Secretary or the applicable governing State official) any business related information concerning such client that was obtained while the agent was implementing this title.

(i) CONFLICT OF INTEREST.—A certifying agent shall not—

(1) carry out any inspections of any operation in which such agent, or employee of such agent has, or has had, a commercial interest in, including the provision of consultancy services by such agent;

(2) accept payment, gifts, or favors of any kind from the business inspected that is in excess of prescribed fees; or

(3) provide advice concerning organic practices or techniques for a fee, other than for fees established under such program.

(j) ADMINISTRATOR.—A certifying agent that is a private individual shall designate the person who controls the day to day operations of the agent and who shall be responsible for all matters in connection with the activities of the agent under this title.

(k) SALE OF NON-ORGANIC PRODUCTS.—A certifying agent shall not permit any individual certified by such agent under this title to deliver or sell any agricultural commodities labeled as organically produced under this title if such commodities do not meet the requirements of this title.

(l) LOSS OF ACCREDITATION.—

(1) NONCOMPLIANCE.—If the Secretary or the governing State official (if applicable) determines that a certifying agent is not in compliance with this title, the Secretary or such governing State official may suspend the accredidation of such agent.

(2) EFFECT ON CERTIFIED OPERATIONS.—If the accredidation of a certifying agent is suspended under paragraph (1), the Secretary or the governing State official (if applicable) shall promptly determine whether farming or handling operations certified by such agent may retain their organic certification.

SEC. 108. INSPECTORS.

(a) NUMBER.—A certifying agent shall employ a sufficient number of inspectors that have knowledge of organic farming or organic handling operations to carry out this title, as determined appropriate by the Secretary and the governing State official (if applicable).

(b) FARMING OPERATIONS.—Inspectors employed by the certifying agent under subsection (1) to inspect organic farming operations shall be qualified to perform such inspections based on the education and training of such inspectors, as determined appropriate by the Secretary and the governing State official (if applicable). Such inspectors should have a minimum of 5 years experience in organic farming or organic production.

(c) HANDLING OPERATIONS.—Inspectors employed by the certifying agent under subsection (1) to inspect organic handling operations shall be qualified to perform such inspection based on the education and training of such inspectors, as determined appropriate by the Secretary and the governing State official (if applicable). Such inspectors should have a minimum of 5 years experience in the organic production of food or in appropriate food industry experience.

(d) LIST OF INSPECTORS.—A certifying agent shall maintain a list of all inspectors employed by such agent and shall furnish such list to the Secretary and the governing State official (if applicable) annually.

SEC. 109. PEER REVIEW OF CERTIFYING AGENTS.

(a) PEER REVIEW.—In determining whether to approve an application for accreditation submitted under section 106, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b).

(b) PEER REVIEW PANEL.—To assist the Secretary in evaluating applications under section 106, the Secretary shall establish a panel of not less than three persons who have expertise in organic farming and handling methods, to evaluate the State or private individual that is seeking accredidation as a certifying agent under such section. Not less than two members of such panel shall be individuals who are not employees of the Department of Agriculture or of the applicable State government.

SEC. 110. NATIONAL STANDARDS FOR ORGANIC PRODUCTION.

(a) ORGANICALLY PRODUCED PRODUCTS.—To be label as an organically produced agricultural commodity under this title, such commodity shall meet the minimum standards established under this section.

(b) PROHIBITED PRACTICES.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall not have been produced through the use of any production practices that are prohibited under this title during the greater of 3 crop years or 3 calendar years prior to the crop year during which such agricultural product is produced.

(c) HANDLING.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall be handled in accordance with this title and the applicable State organic certification program.

(d) SYNTHETIC CHEMICALS.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall have been produced—

(1) without the use of synthetic chemicals; and

(2) on land that has not had synthetic chemicals applied during the greater of 3 crop years or 3 calendar years prior to the crop year during which such product is produced.

(e) SOIL QUALITY.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall not have been produced on soil or in any growing medium that has been determined by the certifying agent (after appropriate soil testing) to contain levels of chemical residue that are likely to result in unsafe residue levels in any food produced on such soil.

(f) SOIL BUILDING.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall have been produced using practices that replenish and maintain soil fertility by providing optimal conditions for soil biological activity.

(g) COMPLIANCE WITH ORGANIC FARM PLAN.—To be labeled as an organically produced agricultural product under this title, an agricultural commodity shall be produced in compliance with an organic farm plan agreed to by the producer of such product and the governing State official (if applicable).

SEC. 111. NATIONAL LIST.

(a) IN GENERAL.—The Secretary shall establish a National List of approved and prohibited substances that shall be included in the standards for organic production established under this title in order for such products to be labeled as organically produced under this title.

(b) CONTENT OF LIST.—

(1) ITEMIZATION OF SUBSTANCES.—The List established under subsection (a) shall contain an itemization of—

(A) the specific synthetic substances that may be used in the production and handling of agricultural products labeled as organically produced under this title, even though the use of such substances is prohibited elsewhere in this title; or

(B) the specific natural substances that may not be used in the production and handling of agricultural products labeled as organically produced under this title, even though the use of such substances would be allowed under other provisions of this title.

(2) SPECIFIC USES.—An exemption granted under paragraph (1)(A) or the prohibition contained in paragraph (1)(B) with respect to a specific synthetic or natural substance shall be limited to a specific use of such substance in a farming or handling operation.

(c) GUIDELINES FOR PROHIBITIONS OR EXEMPTIONS.—

(1) EXEMPTION FOR PROHIBITED SUBSTANCES.—The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this title only if—

(A) the Secretary determines that the use of such substances—

(i) would not be harmful to human health or the environment;

(ii) is necessary to the production or handling of the crop because of the unavailability of wholly natural substitute products; and

(iii) is consistent with organic farming procedures; and

(B) the specific exemption is developed using the procedures described in subsection (d).

(2) PROHIBITION OF USE OF SPECIFIC NATURAL SUBSTANCES.—The National List may provide for the prohibition of the use of specific natural substances in an organic farming or handling operation that are otherwise permitted under this title only if—

(A) the Secretary determines that the use of such substances—

(i) would be harmful to human health or the environment; and

(ii) is inconsistent with organic farming procedures and the purposes of this title; and

(B) the specific prohibition is developed using the procedures described in subsection (d).

(d) PROCEDURE FOR ESTABLISHING NATIONAL LIST.—

(1) IN GENERAL.—The National List established by the Secretary shall be based on a proposed national list or proposed amendments to the National List that is developed by the Organic Standards Board (or the Initial Organic Standards Board, as applicable).

(2) NO ADDITIONS.—The Secretary shall not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the proposed national list or proposed amendments to the National List.

(3) NOTICE AND COMMENT.—Prior to establishing the National List or making amendments to such, the Secretary shall provide for the publishing of the proposed national list or any proposed amendments to the National List in the Federal Register and seek public comment on such proposals. The Secretary shall include in such publication any changes to such proposed list or amendments recommended by the Secretary.

(4) PUBLICATION OF NATIONAL LIST.—After evaluating all comments received concerning the proposed national list or proposed amendments to the National List, the Secretary shall publish the final National List in the Federal Register, together with a discussion of comments received.

(e) SUNSET PROVISION.—No exemption or prohibition contained in the National List shall be valid unless the National Organic Board has reviewed such exemption or prohibition as required under title II within 5 years of such exemption or prohibition being adopted.

SEC. 112. PROHIBITED CROP PRODUCTION PRACTICES AND MATERIALS.

(a) SEED, SEEDLINGS AND PLANTING PRACTICES.—

(1) PROHIBITED PRACTICES.—For a farm to be certified under this title, producers on such farm shall not—

(A) use synthetic pesticides or soil fumigants in any seedlings or plant materials produced on such farm for organic production;

(B) except as provided in paragraph (2), use synthetic-pesticide-treated-seeds; or

(C) apply materials to, or engage in practices on, seeds or seedlings that are determined by the Secretary or by the applicable governing State official to be contrary to, or inconsistent with, this title or the applicable State organic certification program.

(2) SYNTHETIC-PESTICIDE-TREATED-SEED.—A producer may use specific synthetic-pesticide-treated-seed on such farm under paragraph (1) prior to January 1, 1995, if such specific use is authorized under the applicable State organic certification program.

(b) IRRIGATION WATER.—For a farm to be certified under this title, producers on such farm shall not use irrigation water for the production of agricultural products unless such water has been analyzed for quality, salinity, and purity and such analysis has been submitted for the approval of the certifying agent.

(c) SOIL AMENDMENTS.—For a farm to be certified under this title, producers on such farm shall not—

(1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this title or under the applicable State organic certification program;

(2) use as a source of nitrogen—

(A) anhydrous ammonia;

(B) ammonium nitrate;

(C) contaminated organic materials; or

(D) mixed synthetic sources of soluble nitrates at high concentrations for the sole purpose of increasing production;

(3) use as a source of phosphorus—

(A) ordinary or triple superphosphate; or

(B) any excessively soluble material, acidifying material, or both, with a high salt index;

(4) use quicklime or slaked or hydrated lime applied to the soil as a source of calcium;

(5) use as a source of micronutrients—

(A) chemically fortified liquid; or

(B) excessive doses of any micronutrient, as determined by the certifying agent; and

(6) use any synthetic growth promoters or synthetic growth regulators.

(d) CROP MANAGEMENT.—

(1) PEST CONTROL.—For a farm to be certified under this title, producers on such farm shall not—

(A) use synthetic pesticides;

(B) use traps containing prohibited pesticides, unless authorized in writing by the applicable governing State official with the approval of the Secretary; and

(C) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary.

(2) WEED CONTROL.—For a farm to be certified under this title, producers on such farm shall not—

(A) use synthetic or petroleum-distillate pesticides;

(B) use synthetic growth regulators;

(C) use micronutrients at toxic levels to kill weeds in crops that tolerate excess micronutrients, such as boron in beet production, as determined by the applicable governing State official or the Secretary; or

(D) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season.

(3) DISEASE CONTROL.—For a farm to be certified under this title, producers on such farm shall not use synthetic fungicides, fumigants, synthetic sterilizing agents, or synthetic bactericidal agents for the purpose of controlling diseases.

SEC. 113. CONTENTS OF ORGANIC FARM PLAN.

(a) IN GENERAL.—A producer seeking certification under this title shall submit an organic farm plan to the certifying agent that meets the requirements of this title and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of such programs.

(b) SOIL FERTILITY.—An organic farm plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(c) CROP ROTATION.—An organic farm plan shall require producers to rotate, according to an established crop rotation plan, each crop, except—

(1) perennial crops;

(2) crops included in a permaculture system;

(3) crops grown in a container or other growing medium; or

(4) crops grown on a non-rotating basis in accordance with regional organic practices, as determined by the applicable governing State official or the Secretary.

(d) CROP ROTATION PLAN.—An organic farm plan shall include a crop rotation plan that has been agreed to by the producer and the applicable governing State official.

(e) MANURING.—

(1) INCLUSION IN ORGANIC FARM PLAN.—An organic farm plan shall contain terms and conditions that regulate the application of manure to crops.

(2) APPLICATION OF MANURE.—Such organic farm plan shall provide that raw manure may be applied to—

(A) any green manure crop;

(B) any perennial crop;

(C) any crop not for human consumption; and

(D) any crop for human consumption, if such crop is harvested after a reasonable period of time after the most recent application of raw manure, determined by the certifying agent to ensure the safety of such crop, but in no event shall such period be less than 60 days after such application.

(3) CONTAMINATION BY MANURE.—Such organic farm plan shall prohibit raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates.

(f) LIMITATION ON CONTENT OF PLAN.—An organic farm plan shall not include any production practices that are inconsistent with this title and the applicable State organic certification program.

SEC. 114. ANIMAL PRODUCTION PRACTICES AND MATERIALS.

(a) ORGANICALLY PRODUCED LIVESTOCK PRODUCTS.—

(1) SLAUGHTER LIVESTOCK.—

(A) RAISED IN ACCORDANCE WITH TITLE.—Except as provided in subparagraph (B), any meat, poultry, wild or domesticated game, or other nonplant life that is to be slaughtered and sold as organically produced shall be raised in accordance with this title.

(B) EXCEPTION.—With respect to any meat, poultry, wild or domesticated game, or other nonplant life that is to be slaughtered and sold as organically produced prior to January 1, 1995, such livestock shall be raised in accordance with this title for a minimum of the final 60 percent of the slaughter weight of such livestock.

(2) LAYING LIVESTOCK.—

(A) ORGANICALLY MANAGED.—Except as provided in subparagraph (B), any poultry from which eggs will be labeled as organically produced, shall be managed in accordance with this subsection prior to and during the period in which such eggs are sold.

(B) EXCEPTION.—Any poultry from which eggs will be labeled as organically produced prior to January 1, 1995, shall be managed in accordance with this subsection for not less than a 4-month period prior to the sale of such eggs and during the period in which such eggs are sold.

(3) DAIRY LIVESTOCK.—

(A) ORGANICALLY MANAGED.—Except as provided in paragraph (B), any dairy cow from which milk and milk products will be labeled as organically produced, shall be raised in accordance with this title prior to the sale of such milk and continuously thereafter.

(B) EXCEPTION.—Any dairy cow from which milk and milk products will be labeled "organically produced" prior to January 1, 1995, must be raised in accordance with this title for not less than a 12-month period prior to the sale of such milk and continuously thereafter.

(b) FEED.—

(1) ORGANICALLY PRODUCED FEED.—For a farm that produces livestock to be certified under this title, producers on such farm shall feed such livestock organically produced feed that meets the requirements of this title.

(2) PROHIBITED FEED.—For a farm that produces livestock to be organically certified under this title, producers on such farm shall not use the following feed—

(A) plastic pellets for roughage;

(B) manure refeeding;

(C) any synthetic compounds;

(D) feed formulas containing urea;

(E) milk from livestock receiving antibiotics; or

(F) any feed or milk replacement formula that contains synthetic chemicals.

(c) SUPPLEMENTS.—For a farm that produces livestock to be organically certified under this title, producers on such farm shall not use growth promoters and hormones, whether implanted, ingested, or injected, including antibiotics and trace elements used to stimulate growth or production of livestock covered by this title.

(d) HEALTH CARE.—

(1) PROHIBITED PRACTICES.—For a farm that produces livestock to be organically certified under this title, producers on such farm shall not—

(A) use synthetic pesticides;

(B) use subtherapeutic doses of antibiotics;

(C) use internal parasiticides on a routine basis;

(D) administer medication other than vaccinations in the absence of illness as diagnosed by a veterinarian; or

(E) administer any vaccinations other than forward of the shoulder area.

(2) TREATED ANIMALS.—No product from any livestock that has been administered antibiotics in accordance with paragraph (1)

shall be labeled as organically produced until at least 120 days has elapsed from the time such antibiotic was administered and such product is prepared for market.

(e) DRINKING WATER.—

(1) ANALYSIS OF DRINKING WATER.—A certifying agent may require, in order for a farm to be organically certified under this title, that producers on such farm submit for analysis any water to be made available for livestock covered by this title for the purpose of determining the quality, salinity, and purity of such water and the presence of pesticides and nitrates in such water.

(2) IMPURE WATER.—A farm shall not be certified under this title with respect to livestock if the certifying agent determines that drinking water to be made available to the livestock covered by this title is contaminated.

(f) LIVESTOCK IDENTIFICATION.—

(1) IN GENERAL.—For a farm that produces livestock to be certified under this title, producers on such farm shall ensure that each slaughter animal is identifiable from birth through processing.

(2) RECORDS.—To carry out paragraph (1), each producer shall keep accurate records on each slaughter animal including—

(A) dates;

(B) amounts and sources of all medications administered;

(C) all feeds bought and fed;

(D) all feed supplements used;

(E) the weight of each slaughter animal on entering organic production; and

(F) the weight of each animal at slaughter.

SEC. 115. POST-HARVEST HANDLING.

(a) IN GENERAL.—For a farm or handling operation to be organically certified under this title, producers on such farm or an individual on such handling operation shall not apply to any agricultural product covered by this title at any point during post-harvest handling, transportation, or storage—

(1) synthetic fumigants;

(2) sprouting inhibitors, ripeners, or growth regulators;

(3) preservatives;

(4) coloring agents; or

(5) waxes (except beeswax) or oils.

(b) MEAT.—For a farm or handling operation to be organically certified under this title, producers on such farm or individual on such handling operation shall ensure that organically produced meat does not come in contact with nonorganically produced meat.

SEC. 116. PROCESSING AND MARKETING.

For a handling operation to be certified under this title, each individual on such handling operation shall not, with respect to any agricultural product covered by this title—

(1) add any synthetic ingredient, including preservatives, coloring, flavoring, texturizers, or emulsifiers, during the processing or marketing of the product;

(2) add any ingredient known to contain excessive levels of nitrates, heavy metals, or toxic residues;

(3) add any sulfites, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this title and the applicable State organic certification program, unless such ingredients are approved by the Secretary or the applicable governing State official, and unless such ingredients are included in the National List;

(5) use any packaging materials that contain fungicides, preservatives, or other chemical additives; or

(6) use any bag or container that had previously been in contact with any substance that could compromise the organic quality of such product.

SEC. 117. LABELING OF INGREDIENTS.

A processed agricultural product labeled as organically produced under this title shall not be sold or distributed for sale unless such product contains a label describing each ingredient contained in such product and the approximate percentage component of each such ingredient.

SEC. 118. ADDITIONAL GUIDELINES.

(a) IN GENERAL.—The Secretary, the governing State official, and the certifying agent shall utilize a system of residue testing to test products labeled as organically produced under this title to assist in the enforcement of this title.

(b) RESIDUE TESTING.—If the Secretary, the applicable governing State official, or the certifying agent determines that an agricultural product labeled as organically produced under this title—

(1) contains any detectable pesticide or other nonorganic residue, the Secretary, the applicable governing State official, or the certifying agent shall conduct an investigation to determine if the organic certification program has been violated, and may require the producer or handler of such product to prove that such nonorganic residue or pesticide was not applied to such product; and

(2) contains any pesticide or other nonorganic residue in excess of 5 percent of the tolerance level established by the Administrator of the Environmental Protection Agency for that substance in food, or 5 percent of the action level for food as established by the Administrator of the Food and Drug Administration, such agricultural product shall not be labeled as organically produced under this title.

(c) RECORDKEEPING REQUIREMENTS.—Producers who operate certified farming or handling operations under this title shall maintain records covering the 5-year period immediately preceding certification concerning the production or handling of agricultural products labeled as organically produced under this title by such operation, including—

(1) a detailed history of substances applied to fields or agricultural products; and

(2) the names of persons who applied such substances, the dates, the rate and method of application of such substances.

SEC. 119. OTHER PRODUCTION AND HANDLING PRACTICES.

If a production or handling practice is not prohibited or otherwise restricted under this title, such practice shall be permitted unless the Secretary or the applicable governing State official determines that such practice would be inconsistent with the purposes of this title.

SEC. 120. VIOLATIONS OF TITLE.

(a) MISUSE OF LABEL.—Any individual who misuses, affixes, or otherwise tampers with an organically produced label, except in accordance with this title, shall be subject to a civil penalty of not more than $100,000 and imprisonment of not more than 5 years.

(b) FALSE CERTIFICATION.—Any individual who issues a false certification under this title to the Secretary, a governing State official, or a certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

(c) INELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any producer who—

(A) issues a false certification;

(B) attempts to have an organically produced label affixed to an agricultural product that such producer knows to have been produced in a manner that is not in accordance with this title; or

(C) otherwise violates the purposes of the national organic certification program established under section 102(a);

as determined by the Secretary or the applicable governing State official, shall not be eligible, for a period of 5 years for the date of such occurance, to receive certification under this title with respect to any farm or handling operation in which such producer has an interest.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may reduce or eliminate such period of ineligibility if the Secretary determines that such modification or waiver would be in the best interests of the national organic certification program established under this title.

(d) REPORTING OF VIOLATIONS.—A certifying agent shall immediately report any violations of this title to the Secretary or the governing State official (if applicable) and shall decertify any individual determined to be in violation of this title.

(e) VIOLATIONS BY CERTIFYING AGENT.—Any certifying agent that is a private individual that violates the provisions of this title or that falsely or negligently certifies any farming or handling operation and that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the governing State official (if applicable) shall—

(1) lose its accreditation as a certifying agent under this title; and

(2) be ineligible to be accredited as a certifying agent under this title for a period of not less than 3 years subsequent to such determination.

(f) APPLICABILITY TO OTHER LAWS.—Any transactions involving agricultural products labeled under this title as organically produced shall be subject to the provision of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.).

(g) MISBRANDING.—The provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Inspection Act (21 U.S.C. 451 et seq.) concerning the misbranding of meat and poultry products shall be applicable to meat and poultry products labeled under this title.

SEC. 121. CITIZEN SUITS.

(a) IN GENERAL.—Except as provided in subsection (c), any citizen may commence a civil action on behalf of such citizen—

(1) against any person (including the United States or any other governmental instrumentality or agency to the extent permitted by the Eleventh amendment to the Constitution) who is alleged to be in violation of the provisions of this title or any State organic certification program established under this title; or

(2) against the Secretary or the governing State official where there is an alleged failure of the Secretary or the governing State official to perform any act or duty required under this title that is not discretionary with the Secretary or the governing State official.

(b) JURISDICTION.—The district courts of the United States shall have original jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the provisions of this title or any State organic certification program established under this title, or to order the Secre-

tary or the governing State official to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 119.

(c) NOTICE.—No action shall be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the alleged violation—

(i) to the Secretary;

(ii) to the State in which the alleged violation occurs; and

(iii) to any alleged violator of the title or State program; or

(B) if the Secretary or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States, or a State to require compliance with the title or State program, but in any action in a court of the United States any citizen may intervene as a matter of right; or

(2) under subsection (a)(2) prior to 60 days after the plaintiff has given notice of such action to the Secretary;

except that such action may be brought immediately after such notification in the case of an action under this section with respect to a violation of section 118(b)(2). Notice under this subsection shall be provided in such manner as the Secretary shall prescribe by regulation.

(d) PROCEDURAL PROVISIONS.—

(1) VENUE.—Any action under this title, or concerning a State program established under this title, or to require the Secretary or governing State official to take action under this title may be brought under this section only in the judicial district in which the individual is located.

(2) INTERVENTION.—In any action under this section, the Secretary, if not a party, may intervene as a matter of right.

(3) PROTECTION OF UNITED STATES INTERESTS.—When any action is brought under this section in a district court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General and the Secretary. No consent judgment shall be entered in any action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Secretary.

(e) LITIGATION COSTS.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, if the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this section shall restrict any right that any person (or class of persons) may have under any statute or common law to seek enforcement of any provision of this title or to seek any other relief (including relief against the Secretary or the governing State official or the certifying agent).

(g) CITIZEN.—For purposes of this section, the term "citizen" means a person or persons having an interest that is or may be adversely affected by a violation of the provisions of this title or by the failure of the Secretary or the governing State official to take actions required by this title.

(h) CIVIL ACTION BY STATE GOVERNORS.—The chief executive officer of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b), against the Secretary if there is alleged a failure of the Secretary to enforce the provisions of this title and the violation of this title is occurring in another State and is causing an adverse effect on the public health or welfare in the State of such chief executive.

SEC. 122. ADMINISTRATION.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary shall issue proposed regulations to carry out this title.

(b) ASSISTANCE TO STATE.—

(1) TECHNICAL AND OTHER ASSISTANCE.—The Secretary shall provide technical, administrative, and Extension Service assistance to each State that implements an organic certification program under this title.

(2) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any State that implements an organic certification program under this title.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

TITLE II—NATIONAL BOARDS

SEC. 201. DEFINITIONS.

As used in this title:

(1) ASSEMBLY.—The term "Assembly" means the National Organic Assembly created under section 211.

(2) ASSESSMENT.—The term "assessment" means funds collected by the Board under section 213.

(3) BOARD.—The term "Board" means the National Organic Board established under section 207.

(4) CONSUMER INFORMATION.—The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the use, environmental benefits, nutritional attributes, and care of organically produced agricultural products.

(5) CERTIFYING AGENT.—The term "certifying agent" means the chief executive officer of a State or, in a State that provides by law for the Statewide election of a Commissioner of Agriculture, the Commissioner of Agriculture, or an individual (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as an organically certified farm or handling operation in accordance with this title.

(6) DELEGATE BODY.—The term "Delegate Body" means the Initial National Organic Delegate Body established under section 205.

(7) HANDLE.—The term "handle" means to sell, process, or package organically produced agricultural products.

(8) HANDLER.—The term "handler" means any individual in the business of handling organically produced agricultural products.

(9) INDIVIDUAL.—The term "individual" means any person, group of people, partnership, corporation, association, cooperative, or other entity.

(10) MARKETING.—The term "marketing" means the sale or other disposition of organically produced agricultural products in commerce.

(11) NOMINATING STATE OFFICIAL.—The term "nominating state official" means—

(A) in the case of a State with an established organic certification program under title I, the individual serving as the governing State official (as defined in title I) of such State; or

(B) in the case of a State without such a program—

(i) the chief executive officer of such State; or

(ii) if such State holds a Statewide election for the Commissioner of Agriculture, such Commissioner.

(12) NATIONAL LIST.—The term "National List" means the list established under section 111.

(13) ORDER.—The term "order" means an organic research, promotion, and consumer information order issued by the Secretary under section 203.

(14) ORGANICALLY PRODUCED.—The term "organically produced" means food that is produced using organic farming methods, as specified in title I, on an organically certified farm and handled by organically certified handling operations.

(15) ORGANIC STANDARDS BOARD.—The term "Organic Standards Board" means the board established under section 214.

(16) PRODUCER.—The term "producer" means an individual who produces an organically produced agricultural product in the United States for sale in commerce.

(17) PROMOTION.—The term "promotion" means any action taken under this title, including paid advertising, to present a favorable image for organically produced agricultural products to the general public with the express intent of improving the competitive position and stimulating the sale of such products.

(18) RESEARCH.—The term "research" means any type of research relating to organically produced agricultural products and designed to advance the image, desirability, marketability, or quality of organically produced agricultural products.

(19) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(20) STATE AND UNITED STATES.—The terms "State" and "United States" shall include each of the several States, the District of Columbia, and Puerto Rico.

SEC. 202. NATIONAL ORGANIC PROMOTION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a National Organic Promotion, Research, and Consumer Education Program to carry out the purposes described in subsection (b).

(b) PURPOSES.—The purposes of the National Organic Promotion, Research, and Consumer Education Program are—

(1) to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective and coordinated program of research, promotion, and consumer information regarding organically produced agricultural products;

(2) to establish representative organic bodies to provide advice to the Secretary on all aspects of organic production under this Act, including the development of a National List;

(3) to strengthen the position of the organic industry in domestic and foreign markets;

(4) to maintain, develop, and expand domestic and foreign markets for organically grown agricultural products; and

(5) to allow for a democratic process by which individuals who are involved in the organic industry may determine whether a permanent National Organic Promotion, Research, and Consumer Education Program should be implemented after 1992.

SEC. 203. ISSUANCE OF ORDERS.

(a) IN GENERAL.—The Secretary shall issue, review, and make appropriate amendments to organic research, promotion, and consumer information orders applicable to handlers and producers of agricultural products that are organically produced and handled in a manner that meets the requirements of title I.

(b) NOTICE AND PUBLIC COMMENT.—The Secretary shall publish the order proposed to be issued under subsection (a) and provide reasonable notice and an opportunity for public comment concerning such order (including holding such public meetings as the Secretary determines to be necessary).

(c) SUBMISSION OF A PROPOSED ORDER OR AMENDMENT.—An individual who is affected by this title may submit a proposal for an order or amendment or request an opportunity for public comment on such order or amendment as described in subsection (a).

(d) INITIAL PROPOSAL.—Not later than 90 days after the Secretary receives a proposal for an order under subsection (c), the Secretary shall comply with subsection (b).

(e) FINDINGS AND ISSUANCE OF AN ORDER.—After notice of, and an opportunity for, public comment on a order or amendment is provided under subsection (b), the Secretary shall issue such order or amendment if the Secretary determines that, on the basis of the evidence introduced by such public comment, the issuance of such order or amendment will further the purposes of this title.

(f) EFFECTIVE DATE.—An order issued under subsection (a) shall become effective on the date on which the final order is published in the Federal Register.

SEC. 204. REQUIRED TERMS OF ORDERS.

Except as provided under section 216, an order issued by the Secretary under section 203 shall only contain the terms and conditions that are described in this title.

SEC. 205. INITIAL NATIONAL ORGANIC DELEGATE BODY.

(a) ESTABLISHMENT.—An order issued by the Secretary under section 203 prior to January 1, 1992, shall provide for the establishment, not later than 120 days after the effective date of such order, of the Initial National Organic Delegate Body.

(b) PURPOSE.—The Initial National Organic Delegate Body shall—

(1) elect the Initial National Organic Board and the Initial Organic Standards Board;

(2) make a recommendation as to whether an organic promotion program should be established and implemented; and

(3) shall provide recommendations to the Secretary concerning the implementation of titles I and II.

(c) COMPOSITION.—

(1) APPOINTMENT.—The Secretary shall appoint individuals to serve on the Delegate Body from among nominations received in accordance with this subsection.

(2) LIMIT ON PARTICIPANTS.—The membership of the Delegate Body shall not exceed 208 individuals and, to the extent practicable, shall have at least four members from each State.

(3) NOMINATIONS.—

(A) RECEIPT OF NOMINATIONS.—The Secretary shall only accept nominations for membership in the Delegate Body from a nominating State official, or through a written petition signed by 20 organic producers in a State.

(B) RESIDENCY REQUIREMENT.—A nominating State official or an organic producer in such State shall only nominate individuals who are residing in such State at the time of the nomination.

(C) INVOLVEMENT IN ORGANIC PRODUCTION.—Not less than 50 percent of the membership of the Delegate Body shall consist of individuals who—

(i) are involved in the production and handling of organically produced agricultural products; and

(ii) have derived at least 75 percent of the food-related business income and at least 50 percent of the total income of such individuals from food sold as organic or natural, for not less than a 3-year period preceding the appointment of such individuals to the Delegate Body.

(D) OTHER MEMBERS.—Not more than 50 percent of the membership of the Delegate Body shall consist of individuals who are—

(i) retailers of organic agricultural products and certifying agents; and

(ii) academic experts, consumers, environmental experts, and government officials who are experts in organic farming and processing methods.

(4) PROCEDURES FOR WRITTEN NOMINATION PETITION.—The Secretary shall establish and make public the procedures that shall govern the time and place for the filing of written petitions for nominations under paragraph (2).

(5) APPOINTMENT.—Not later than 60 days after the Secretary has received nominations for membership, or not later than 150 days after the effective date of this Act, whichever is later, the Secretary shall appoint members from the nominees, as provided under paragraph (2), to the Delegate Body.

(6) INSUFFICIENT NOMINATIONS.—

(A) IN GENERAL.—If the Secretary does not receive a sufficient number of eligible nominations from a State, the Secretary may nominate eligible individuals from such State for membership on the Delegate Body or, if the Secretary determines that there is not a sufficient number of eligible individuals in such State, the Secretary may waive the membership requirement for such State.

(B) REVIEW OF WAIVER.—The Secretary shall review the necessity for a waiver under subparagraph (A) on an annual basis.

(7) VACANCIES.—If a vacancy occurs on the Delegate Body, the Secretary, after receiving nominations from the nominating State official, shall appoint an individual to fill such vacancy for the remainder of the term of the Delegate Body.

(c) MEETINGS.—The Delegate Body shall meet at least once each year to conduct business, to nominate individuals for appointment to the Initial National Organic Board and the Initial Organic Standards Board if necessary, and to carry out the duties required under section 206.

(d) TERM.—

(1) TERM OF BODY.—The Delegate Body shall exist for a period not to exceed 3 years after the appointment of the members of such Body by the Secretary under subsection (b).

(2) LENGTH OF MEMBERSHIP.—Each member of the Delegate Body shall serve for the entire term of the Delegate Body.

(e) COMPENSATION.—A member of the Delegate Body shall serve without compensation.

(f) QUORUM.—A majority of the members of the Delegate Body who are entitled to cast a vote shall constitute a quorum for the purpose of conducting business.

(g) DECISIVE VOTES.—A majority of the votes cast at a meeting of the Delegate Body at which a quorum is present shall be decisive of a motion or election presented to such Delegate Body for a vote.

SEC. 206. DUTIES OF THE DELEGATE BODY.

(a) Selection of Members and Chairperson.—

(1) IN GENERAL.—At the initial annual meeting, the Delegate Body shall—

(A) elect a Chairperson;

(B) elect 15 members of the Delegate Body who shall each serve for a 3-year term on the Initial National Organic Board; and

(C) appoint, with the concurrence of the Secretary, 15 individuals who shall each serve for a 3-year term on the Initial Organic Standards Board.

(2) REQUIREMENT OF MAJORITY.—The election of the Chairperson and the membership of the Boards referred to in paragraph (1) shall be by a majority of the members of the Delegate Body who are present and voting in the initial annual meeting of such Body.

(3) CHAIRPERSON.—At each annual meeting after the initial annual meeting of the Delegate Body, the President of the Initial Board shall serve as the Chairperson of such Body.

(b) NATIONAL LIST.—The Delegate Body may make recommendations concerning the National List to the Initial Standards Board.

(c) ASSESSMENTS.—The Delegate Body shall recommend to the Initial Board and to the Secretary whether orders providing for assessments should be proposed in 1992.

(d) IMPLEMENTATION.—The Delegate Body shall provide recommendations to the Initial Board regarding the implementation of this Act.

SEC. 207. INITIAL NATIONAL ORGANIC BOARD.

(a) DUTIES.—There is established an Initial National Organic Board that shall—

(1) elect a President; and

(2) make recommendations to the Secretary regarding the implementation of titles I and II, including the enforcement provisions and shall make determinations relating to standards for the organic production of agricultural products and the composition of the National List.

(b) MEMBERSHIP.—The Initial Board shall—

(1) have 15 members, of which not less than eight such members shall be individuals who own or operate an organic farming operation; and

(2) be composed of a representative geographic distribution of members.

(c) TERM.—The Initial National Organic Board shall exist for a period of not greater than 3 years, or until the establishment of the National Organic Board under section 212.

SEC. 208. INITIAL ORGANIC STANDARDS BOARD.

(a) DUTIES.—There is established an Initial Organic Standards Board that shall establish the proposed National List or amendments to such National List as provided for in section 111, and shall submit such proposals to the Secretary.

(b) MEMBERSHIP.—The Initial Organic Standards Board shall have 15 members of which—

(1) not less than 3 shall be individuals who own or operate an organic farming operation;

(2) not less than 3 shall be individuals who own or operate an organic handling operation;

(3) not less than 2 shall be individuals with expertise in the areas of environmental protection and resource conservation;

(4) not less than 2 shall be individuals who represent public interest or consumer interest organizations;

(5) not less than 1 shall be an individual who has expertise in the field of agronomy; and

(6) not less than 2 shall be individuals who have expertise in the fields of toxicology, ecology, or biochemistry.

(c) TERM.—The Initial Organic Standards Board shall exist for a period of not to exceed 3 years, or until the establishment of the Organic Standards Board under section 214.

SEC. 209. REFERENDUM.

(a) IN GENERAL.—After January 1, 1992, the Secretary may conduct referenda among producers and handlers of organic agricultural products to determine whether a majority of such producers and handlers favor the issuance of proposed orders under this title, the amendment of existing orders issued under this title, or the termination of existing orders issued under this title.

(b) PARTICIPANTS IN REFERENDUM.—The Secretary shall conduct referendum under this section among producers and handlers who—

(1) are not exempt from an assessment issued under section 213;

(2) are certified organic producers and handlers under title I; and

(3) produced or handled organically produced agricultural products during a representative period as determined by the Secretary.

(c) REQUIRED REFERENDUM.—The Secretary shall conduct a referendum under this section prior to the issuance of any order or amendment to an order providing for an assessment under section 203 or for the establishment of the National Organic Assembly.

(d) PUBLICATION.—The Secretary shall publish the results of any referendum conducted under this section within a reasonable time after such referendum.

(e) TERMINATION OF ORDER.—If the referendum conducted under this section indicates that an order or proposed order under section 203 is not favored by a majority of the producers and handlers voting in such referendum, the Secretary shall terminate or refuse to issue such order.

(f) CONFIDENTIALITY.—The Secretary shall hold the ballots and other information or reports that reveal, or tend to reveal, the vote of any individual under this section in strict confidence.

(g) SUBSEQUENT REFERENDA.—Not later than 90 days after the receipt of a petition requesting a referendum under this section by a majority of the producers and handlers of at least two States who have been certified as organic producers and handlers, the Secretary shall conduct such referendum as provided for in this section.

(h) DISAPPROVAL OF ORDER.—If an order providing for the collection of an assessment is disapproved in a referendum conducted under this section, the National Organic Board shall cease collecting such assessments the first day of the first month after such referendum is conducted or within 20 days after such referendum is conducted, whichever is later.

SEC. 210. ESTABLISHMENT OF NATIONAL ORGANIC ASSEMBLY.

(a) IN GENERAL.—An order issued by the Secretary under section 203 after the end of the term of the Delegate Body shall provide for the election, in accordance with this section, and establishment not later than 120 days after the date of such order, of the National Organic Assembly.

(b) ELECTION.—

(1) CONDUCTED BY SECRETARY.—The Secretary shall conduct the election required under subsection (a).

(2) COORDINATION WITH STATES.—The Secretary may conduct an election under this subsection in coordination with nominating State officials and certifying agents.

(3) ELIGIBLE TO VOTE.—Individuals who own or operate certified organic farming or handling operations under title I shall be eligible to vote in any election conducted under this section.

(c) COMPOSITION OF ASSEMBLY.—

(1) MEMBERSHIP.—The election carried out under this section shall, to the extent practicable, provide for elected membership in the Assembly from among persons who are—

(A) producers who operate farms or handling operations that are certified by the applicable governing State official as organic under title I; and

(B) certifying agents or academic experts, consumers, or government officials specializing in organic farming and handling methods, as determined by the Secretary.

(2) NUMBER OF MEMBERS WHO ARE PRODUCERS AND HANDLERS.—To the extent practicable, the Assembly—

(A) shall be comprised of at least two representatives from each State who are producers and handlers; and

(B) may have additional representatives from each State who are appointed by the Secretary from nominations received from the nominating State official on the basis of shares assigned to each State under paragraph (3).

(3) CALCULATION OF SHARES.—

(A) INITIAL PERIOD.—For the 4-year period immediately following the date on which the Delegate Body is terminated, shares shall be assigned under paragraph (2)(B) on the basis of one share for each dollar value of farm market value of organically produced goods marketed from such State, as determined by the Secretary based on the preceding calendar year and rounded to the nearest dollar.

(B) SUBSEQUENT PERIOD.—For each 4-year period subsequent to the period referred to in subparagraph (A), such shares shall be assigned on the basis of one share for each $1,000 of the average aggregate amount of assessments collected (minus refunds) under section 213 in such State from individuals described in section 213, rounded to the nearest $1,000 during the immediately preceding 4-year period.

(C) ASSIGNMENT BASED ON SHARES.—If the number of shares of a State under this paragraph is—

(i) more than 1,000 but less than 50,000, the Secretary shall appoint no more than three producers to be members of the Assembly for such State; or

(ii) more than 50,000, the Secretary shall appoint no more than four producers to be members of the Assembly for such State.

(4) NONPRODUCER MEMBERS.—The Assembly shall, subject to paragraph (5), be comprised of no more than two individuals who are nonproducers from each State.

(5) MAKEUP OF ASSEMBLY.—

(A) CERTIFIED ORGANIC PRODUCERS.—Not less than 50 percent of the membership of the Assembly shall consist of individuals who own or operate farms or handling operations that are certified as organic under title I.

(B) OTHER MEMBERS.—Not more than 50 percent of the membership of the Delegate Body may be individuals who are academic experts, consumers, or government officials specializing in organic farming and processing methods.

(d) INSUFFICIENT MEMBERSHIP.—

(1) IN GENERAL.—If there is not a sufficient number of eligible individuals elected to the Assembly from a State under this section, the Secretary may nominate eligible individuals from such State for membership on the Assembly or, if the Secretary determines that there is not a sufficient number of individuals who are eligible for nominations in such State, the Secretary may waive the membership requirement for such State.

(2) STATES WITHOUT AN ORGANIC CERTIFICATION PROGRAM.—

(A) IN GENERAL.—If a State has not implemented an organic certification program as provided in title I, or if the Secretary has not approved any certifying agent to certify organic farming or handling operations, the Secretary may appoint not to exceed one individual from such State to the Assembly.

(B) QUALIFICATION OF APPOINTED INDIVIDUAL.—An individual appointed under subparagraph (A) shall be engaged in the production or handling of agricultural products produced using organic methods, or shall be considered to be an expert in organic farming methods.

(C) NOMINATING PROCEDURE.—If, during any term of the Assembly, such State establishes an organic certification program under title I, or the Secretary approves a certifying agent for such State, the Secretary shall establish an election procedure consistent with this section to provide for representation of such State in the Assembly.

(D) TERM OF MEMBERSHIP.—The term of members of the Assembly appointed under this subparagraph shall parallel the terms of members of the Assembly as referred to in subsection (a).

(3) REVIEW OF WAIVER.—The Secretary shall review a waiver granted under paragraph (2), on an annual basis.

(e) VACANCY.—If a vacancy occurs on the Assembly, the Secretary, after receiving nominations from the nominating State official, shall appoint an individual to fill such vacancy for the remainder of the term of the original member.

(f) MEETINGS.—The Assembly shall meet annually to conduct business, to nominate individuals for appointment to the National Organic Board and the Organic Standards Board (if necessary), and for other purposes as provided for in section 211.

(g) TERM.—A member of the Assembly shall serve for a term of 4 years, except that the term of such member shall continue until the successor of such member, if any, is appointed in accordance with this section.

(h) COMPENSATION.—A member of the Assembly shall serve without compensation.

(i) DISQUALIFICATION.—If a member or alternate of the Assembly ceases to meet the eligibility requirements provided for in this section, as determined by the Secretary, such member shall be disqualified from serving on the Assembly.

(j) QUORUM.—A majority of the members of the Assembly who are entitled to cast a vote on the Delegate Body shall constitute a quorum for the purpose of conducting business.

(k) DECISIVE VOTES.—A majority of the votes cast at a meeting of the Assembly at which a quorum is present shall be decisive of a motion or election presented to the Assembly for a vote.

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SEC. 211. DUTIES OF NATIONAL ORGANIC ASSEMBLY.

(a) INITIAL MEETING.—At the initial meeting of the Assembly, such Assembly shall—

(1) elect a Chairperson; and

(2) elect 15 members of the Assembly, who shall each serve for a 3 year term on the Initial National Organic Board; and

(3) appoint, with the concurrence of the Secretary, 15 individuals who shall each serve for a 3 year term on the Organic Standards Board.

(b) MAJORITY REQUIREMENT.—The election of the Chairperson of the Assembly and the members of the Boards shall be by a majority of the members who are present and voting in the meeting of the Assembly at which such election is made.

(c) CHAIRPERSON.—At each meeting after the initial meeting, the President of the Board shall serve as the Chairperson of the Assembly.

(d) RECOMMENDATIONS OF ASSEMBLY.—The Assembly shall—

(1) make recommendations concerning the rate of assessment prescribed by the order and any increase in such rate pursuant to section 213;

(2) determine the percentage of the aggregate amount of assessments collected in a State that such State shall receive under section 213;

(3) recommend to the Organic Standards Board and to the Secretary changes in the standards, including the composition of the National List, that serve as the basis for determining organically grown production methods and products;

(4) elect members to serve on the Board and appoint individuals to serve on the Organic Standards Board (with the concurrence of the Secretary) on the expiration of the terms of members of such Boards; and

(5) recommend to the National Organic Board research and promotion activities to be carried out under this title.

SEC. 212. NATIONAL ORGANIC BOARD.

(a) DUTIES.—The National Organic Board shall provide recommendations to the Secretary regarding the implementation of this Act.

(b) MEMBERSHIP.—The National Organic Board shall—

(1) be composed of 15 members, of which not less than eight shall be individuals who own or operate a certified organic farming operation; and

(2) have a representative geographic distribution of members.

(c) TERM.—The members of the National Organic Board shall serve for a period of 4 years. A member may be re-elected to serve on the National Organic Board.

(d) ACTIONS OF BOARD.—The National Organic Board shall—

(1) select a President;

(2) administer orders issued by the Secretary under section 203, and amendments to such orders, in accordance with such orders and consistent with this title;

(3) prescribe rules and regulations to effectuate such orders;

(4) receive, investigate, and report to the Secretary any accounts of violations of such orders;

(5) make recommendations to the Secretary with respect to amendments that should be made to such orders; and

(6) employ a manager and staff.

(e) BUDGET AND PLAN.—

(1) BUDGET.—

(A) DEVELOPMENT.—The National Organic Board shall prepare and submit to the Secretary a budget, on a fiscal period basis as determined appropriate by the Secretary, of the anticipated expenses and disbursements of the Board in the administration of the order, including probable costs of research, promotion, and consumer information.

(B) EFFECTUATION.—A budget under subparagraph (A) shall become effective on the approval of the Secretary.

(2) PLAN.—

(A) IN GENERAL.—Each budget, as referred to in paragraph (1), shall include a plan for research, promotion, and consumer information regarding organically produced agricultural products.

(B) EFFECTUATION.—Such plan shall take effect on the approval of the Secretary.

(f) CONTRACTS AND AGREEMENTS.—The Board may enter into contracts and agreements, with the approval of the Secretary, for—

(1) the development and implementation of plans under subsection (c); and

(2) the payment of the cost of such plan with funds collected under section 213(c).

(g) COMPENSATION.—A member of the Board shall serve without compensation, but may be reimbursed by the Board from assessments for transportation expenses incurred in performing duties as a member of the Board.

(h) VOTING RESTRICTION.—Members of the Board who are not owners or operators of certified organic farming or handling operations shall not vote on matters respecting the use of assessments collected under this title.

SEC. 213 ASSESSMENTS.

(a) IN GENERAL.—An order issued after the termination of the Delegate Body shall provide that an assessment shall be paid in the manner prescribed in the order.

(b) IMPOSITION.—The order, as referred to in subsection (a), shall provide for the imposition and collection of assessments with regard to the production and handling of organically produced agricultural products as follows:

(1) PRODUCERS.—Producers of agricultural products labeled as being organically produced under title I shall pay annual assessments—

(A) with respect to producers who sell over $50,000 worth of organically produced agricultural products during each calendar year, based on the average sales from the immediately preceding 3 years as determined by the Secretary, of $100; and

(B) with respect to producers who sell under $50,000 worth of organically produced agricultural products during each calendar year, based on the average sales from the immediately preceding 3 years as determined by the Secretary, of $50.

(2) HANDLERS.—Individuals who operate handling operations that are certified as organic handling operations under title I and who are the first handlers of the organically produced agricultural products shall pay an annual assessment—

(A) with respect to handlers who market or process over $50,000 worth of organically produced agricultural products during each calendar year based on the average sales from the immediately preceding 3 years as determined by the Secretary, of $100; and

(B) with respect to handlers who market or process under $50,000 worth of organically produced agricultural products during each calendar year, based on the average sales from the immediately preceding 3 years, as determined by the Secretary, of $50.

(c) COLLECTION OF ASSESSMENT.—Except as provided in paragraph (4), the first handler of organically produced agricultural products shall—

(1) be responsible for the collection and payment to the Board, of producer and handler assessments under this section; and

(2) maintain a separate record of the agricultural products of each producer handled by such handler, including the organically produced agricultural products grown by such handler.

(d) PRODUCER AND HANDLER.—For purposes of subsection (c), an individual who is both a producer and a handler shall be considered the first handler of agricultural products produced by such individual.

(e) SUPPLEMENTAL ASSESSMENT.—

(1) IN GENERAL.—Subject to the recommendations of the Board and approval in a referendum as provided for in section 216, the Secretary may issue an amendment to an order stating that, in each calendar year, the rate of an assessment under this section shall be supplemented by an additional amount to be collected or paid as provided in this section.

(2) AMOUNT OF ASSESSMENT.—An additional amount under paragraph (1) shall not exceed 0.25 percent of the value of organically produced agricultural products sold by individuals from organically certified farms.

(f) ESTABLISHMENT OF ESCROW ACCOUNT.—The Board shall hold a sufficient portion of the assessments in escrow to ensure that all requests for refunds under section 221 may be honored.

(g) EXEMPTION.—An individual is exempt from an assessment under this section if such individual is—

(1) a producer who produces less than $5,000 of organically produced agricultural products per year; or

(2) a handler who handles less than $5,000 of organically produced agricultural products per year.

(h) CLAIMING AN EXEMPTION.—To claim an exemption under subsection (f) for a particular year, an individual shall prepare and submit, to the Board, an application that contains a description of the basis for such exemption and a certification that such individual will not exceed the limitation required under subsection (e) in the calendar year in which such application is submitted.

(i) USE OF ASSESSMENTS.—

(1) IN GENERAL.—An order issued by the Secretary under section 203 shall provide that funds paid to the Board as assessments—

(A) may be used by the Board—

(i) to pay for research, promotion, and consumer information described in the budget of the Board and for other expenses incurred by the Board in the administration of an order;

(ii) to pay such other expenses for the administration, maintenance, and functioning of the Board and the Organic Standards Board as may be authorized by the Secretary; and

(iii) to fund a reserve established under section 212(5); and

(B) except as provided in subsection (i), shall be used to pay the expenses incurred by the Secretary, including expenses of government employees in implementing and administering the order.

(j) REIMBURSEMENT.—An order issued by the Secretary under section 203 after January 1, 1992, shall provide that the Board shall reimburse the Secretary, from assessments, for any expenses incurred by the Secretary in conducting referenda, under this title, except for the salaries of govern-

ment employees who carry out such referenda.

(k) FALSE CLAIMS.—An order issued by the Secretary under section 203 shall provide that any promotion of organically produced agricultural product funded with assessments shall not make—

(1) any false or unwarranted claims on behalf of organically produced agricultural products; and

(2) any false or unwarranted statements with respect to the attributes or use of any product that competes with organically produced agricultural products for sale in commerce.

(l) PROHIBITION ON USE OF FUNDS.—An order issued under section 203 shall provide that funds collected by the Board through assessments shall not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for in this Act.

(m) BOARD RECORDS AND REPORTS.—

(1) BOARD.—An order issued under section 203 shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board through assessments collected under this section;

(B) to submit to the Secretary such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report regarding the activities of the Board during such fiscal year.

(2) HANDLERS.—In order to provide information and data to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this title or any order or regulation issued under this title, such order shall require handlers who are responsible for the collection of assessments under this section—

(A) to maintain and make available for inspection by the Secretary such books and records as may be required by the order; and

(B) to file reports, at the times, in the manner, and having the content prescribed by the order, that concern the collection of such assessments.

(n) CONFIDENTIALITY.—

(1) IN GENERAL.—An order issued under section 203 shall require that all information obtained pursuant to subsection (h)(2) shall be kept confidential by all officers and employees of the Department of Agriculture and of the Board.

(2) DISCLOSURE.—The Secretary shall only disclose such information—

(A) the Secretary considers relevant in a lawsuit; or

(B) in the course of an administrative hearing brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which such information was furnished or acquired.

(3) NONCONFIDENTIAL INFORMATION.—The Secretary may—

(A) issue general statements based on the reports of a number of producers and handlers if such statements do not identify any individual who provides such information; or

(B) publish the name of any individual violating an order issued by the Secretary under section 203 along with a statement of the particular provisions of the order violated by such individual.

SEC. 214. ORGANIC STANDARDS BOARD.

(a) DUTIES.—The Organic Standards Board shall establish the proposed National List or amendments to such National List as provided in section 111 and shall submit such proposals to the Secretary.

(b) MEMBERSHIP.—The Organic Standards Board shall be comprised of 15 members, of which—

(1) not less than 3 shall be individuals who own or operate a certified organic farming operation;

(2) not less than 3 shall be individuals who own or operate a certified organic handling operation;

(3) not less than 2 shall be individuals with expertise in the areas of environmental protection and resource conservation;

(4) not less than 2 shall be individuals who represent public interest or consumer interest organizations;

(5) not less than 1 shall be an individual who has expertise in the field of agronomy; and

(6) not less than 2 shall be individuals who have expertise in the fields of toxicology, ecology, or biochemistry.

(c) TERM.—The members of the Organic Standards Board shall serve for a period of not to exceed 4 years. Such members may be reappointed to serve on the Organic Standards Board.

(d) DISAPPROVAL OF ORDER.—

(1) APPOINTMENT BY SECRETARY.—If a majority of those voting in the referendum conducted under section 209(c) do not favor the establishment of the National Assembly, the Secretary shall appoint the members of the Organic Standards Board in accordance with the provisions of this section.

(2) RESPONSIBILITIES.—The Organic Standards Board established under this subsection shall have the duties and responsibilities as specified in this section and section 215.

(3) OTHER TERMS AND CONDITIONS.—The Secretary may authorize the Organic Standards Board established under this subsection to hire a manager and staff and may, in accordance with relevant Appropriations Acts, pay necessary expenses incurred by such Organic Standards Board in carrying out the provisions of this title, as determined by the Secretary.

SEC. 215. PROPOSED NATIONAL LIST.

(a) IN GENERAL.—The Organic Standards Board (or the Initial Organic Standards Board) shall develop the proposed national list or proposed amendments to the National List for submission to the Secretary in accordance with section 111.

(b) CONTENT OF PROPOSED LIST.—

(1) ITEMIZATION OF SUBSTANCES.—The proposed list referred to in subsection (a) shall contain an itemization of—

(A) specific synthetic substances that may be used in the production and handling of agricultural products labeled as organically produced under title I, even though the use of such substances is prohibited elsewhere in title I; or

(B) specific natural substances that shall not be used in the production and handling of agricultural products labeled as organically produced under title I, even though the use of such substances would be allowed under other provisions of title I.

(2) SPECIFIC USES.—An exemption under paragraph (1)(A) or prohibition under paragraph (1)(B) with respect to a specific synthetic or natural substance may be limited to a specific use of such substance in a farming or handling operation.

(c) GUIDELINES FOR PROHIBITIONS OR EXEMPTIONS.—

(1) EXEMPTION FOR PROHIBITED SUBSTANCES.—The proposed national list may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under title I only if—

(A) the Organic Standards Board determines that the use of such substances—

(i) would not be harmful to human health or the environment;

(ii) is necessary to the production or handling of the crop because of the unavailability of wholly natural substitute products; and

(iii) is consistent with organic farming; and

(B) the specific exemption is developed in accordance with this section.

(2) PROHIBITION OF USE OF SPECIFIC NATURAL SUBSTANCES—The proposed national list may provide for the prohibition on the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this title only if—

(A) the Organic Standards Board determines that the use of such substances—

(i) would be harmful to human health or the environment; and

(ii) is inconsistent with organic farming and the purposes of this title; and

(B) the specific prohibition is developed in accordance with this section.

(d) REQUIREMENTS.—In establishing the proposed national list or proposed amendments to the National List, the Organic Standards Board shall—

(1) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, and such other sources as appropriate, concerning the human and environmental toxicity of substances considered for inclusion in the proposed national list;

(2) work with manufacturers of substances considered for inclusion in the proposed national list to determine whether such substances contain inert materials that are synthetically produced; and

(3) submit to the Secretary, along with the proposed national list or any proposed amendments, the results of the Organic Standards Board evaluation of all substances considered for inclusion in the National List.

(e) EVALUATION.—In evaluating substances considered for inclusion in the proposed national list or proposed amendments to the National List, the Organic Standards Board shall determine—

(1) the potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) the toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) the probability of environmental contamination during manufacture, use, or misuse of such substance;

(4) the effects of the substance on human health;

(5) the effects of the material on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including consideration of salt index and solubility), crops, and livestock;

(6) the alternatives to using the substance in terms of practices or other available materials; and

(7) its compatibility with a system of sustainable agriculture.

(f) PETITIONS.—The Organic Standards Board shall establish procedures under which individuals may petition the Organic Standards Board for the purpose of evaluating substances for inclusion on the National List.

(g) REVIEW.—

(1) EVERY 4 YEARS.—The Organic Standards Board shall review each substance included as an exemption or prohibition on the National List at least once during each 4-year period beginning on the date such substance was initially included on the National List or on the date of the last review of such substance under this subsection.

(2) SUBMISSION TO SECRETARY.—The Organic Standards Board shall submit the results of a review under paragraph (1) to the Secretary with a recommendation as to whether such substance should continue to be included on the National List.

(h) CONFIDENTIALITY.—Any business sensitive material obtained by the Organic Standards Board (or the Initial Organic Standards Board) in carrying out this section shall be treated as confidential information by such Board and shall not be released to the public.

SEC. 216. PERMISSIVE TERMS OF ORDERS.

On the recommendation of the Board and with the approval of the Secretary, an order issued by the Secretary under section 203 may—

(1) require that, with respect to any Federal marketing order issued regarding organically produced agricultural products, that—

(A) is in effect prior to the date of the enactment of this title; and

(B) the Secretary determines is comparable to an order issued under this title;

there shall be paid to the Board, as provided for in section 213, that portion of the assessment under such section that is greater than the assessment, if any, paid on the organically produced agricultural products pursuant to such other marketing order;

(2) provide authority to the Board to designate different producer and handler payment and reporting schedules to recognize differences in production and handling practices and procedures among producers and handlers;

(3) permit the Board to convene working groups made up of producers, handlers, or the general public to assist in the development of research, marketing, and standards programs for organically produced agricultural products;

(4) permit the Board to accumulate reserve funds from assessments collected under section 213 to permit an effective and continuous coordinated program of research, promotion, and consumer information in years in which production and assessment income may be reduced, except that any reserve fund so established shall not exceed the amount budgeted for operation of this title for 1 year;

(5) permit the Board to use, with the approval of the Secretary, funds collected under section 213 for the development and expansion of organically produced agricultural product sales in foreign markets;

(6) permit the Organic Standards Board to employ a manager and a staff; and

(7) provide for terms and conditions—

(A) incidental to, and not inconsistent with, the terms and conditions described in this title; and

(B) necessary to effectuate such order.

SEC. 217. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—An individual who is subject to an order under this title may prepare and submit to the Secretary, within a period prescribed by the Secretary, a written petition—

(A) stating that such order, a provision of such order, or an obligation imposed in connection with such order is not in accordance with the law; and

(B) requesting a modification of the order or an exemption from such order.

(2) HEARING.—The Secretary shall promulgate regulations to permit an individual, who submits a petition under paragraph (1), an opportunity for a hearing on such petition.

(3) REVIEW.—After the hearing described in paragraph (2), the Secretary shall make a ruling on the petition that shall be subject to review under subsection (b).

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—Not later than 30 days after the date that a ruling is made under subsection (a)(3), an individual may obtain a review of such ruling by initiating a civil action in the district court of the United States for the district in which such individual—

(A) resides; or

(B) carries on business related to the subject matter of such action.

(2) PROCESS.—In civil action under this section, service of process may be made on the Secretary by delivering a copy of the complaint to the Secretary.

(3) REMANDS.—If the district court, as referred to in paragraph (1), determines that such ruling is not in accordance with law, such court shall remand the proceedings to the Secretary with directions—

(A) to make a ruling as such court shall determine to be in accordance with law; or

(B) to take such further proceedings as, in the opinion of such court, the law requires.

(4) ENFORCEMENT.—The pendency of proceedings instituted pursuant to this subsection shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 214.

SEC. 218. ENFORCEMENT.

(a) JURISDICTION.—Each district court of the United States shall be vested with jurisdiction to enforce, and to prevent and restrain any individual from violating, any order or regulation made or issued under this title.

(b) REFERRAL TO ATTORNEY GENERAL.—

(1) GENERAL RULE.—Except as provided for in paragraph (2), if the Secretary is involved in a civil action under section 213 the Secretary shall refer the facts relating to such action to the Attorney General for appropriate action.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary shall not refer a violation of this title to the Attorney General if the Secretary determines that the administration and enforcement of the order or regulation that is involved in such violation would be adequately served by administrative action under subsection (c) or by providing a suitable written notice or warning to an individual committing such violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—The Secretary may assess a civil penalty fine of not less than $500 nor more than $5,000 for each instance in which an individual violates any order or regulation issued by the Secretary under this title or fails or refuses to pay, collect, or remit any assessment or fee required of the individual under such order or regulation. Each violation shall be considered as a separate offense.

(2) CEASE-AND-DESIST ORDERS.—In addition to, or in lieu of, a civil penalty under paragraph (1), the Secretary may issue an order requiring an individual to cease and desist from continuing a violation.

(3) NOTICE AND HEARING.—The Secretary shall not assess a civil penalty or issue a cease-and-desist order under this subsection applicable to any individual unless the Secretary provides such individual with notice and an opportunity for a hearing before the Secretary with respect to such violation.

(4) FINALITY.—The decree of the Secretary assessing a civil penalty or imposing a cease-and-desist order on any individual under this subsection shall be final and conclusive unless such individual files an appeal of such decree with the appropriate United States Court of Appeals.

(d) REVIEW BY COURT OF APPEALS.—

(1) COMMENCEMENT OF ACTION.—Any individual, against whom a violation as referred to in subsection (c)(1) is found and a civil penalty assessed or cease-and-desist order issued under subsection (c), may obtain review of such penalty or order by—

(A) filing, not later than 30 days from the date on which such penalty is assessed or order issued, a notice of appeal in—

(i) the United States Court of Appeals for the circuit in which such individual resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia; and

(B) simultaneously sending a copy of such notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall promptly file the record on which such violation under paragraph (1) was found in the court selected under paragraph (1)(A).

(3) STANDARD OF REVIEW.—The court referred to under paragraph (1)(A) shall set aside the findings of the Secretary only if such court determines that such findings are unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDER.—

(1) IN GENERAL.—The Secretary may assess a civil penalty fine, of not more than $500 for each violation described under subsection (c)(1), to an individual who fails to obey a cease-and-desist order issued under subsection (c) after—

(A) such order has become final and unappealable or after the appropriate Court of Appeals has entered a final judgment in favor of the Secretary; and

(B) after opportunity for a hearing and for judicial review under the procedures described in subsections (c) and (d).

(2) CONTINUING OFFENSE.—Each day during which an individual fails to obey a cease-and-desist order shall be considered as a separate offense.

(f) FAILURE TO PAY PENALTIES.—

(1) IN GENERAL.—If an individual fails to pay an assessment of a civil penalty under subsection (c)(1), after such assessment has become a final and unappealable order or after the appropriate United States Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer such failure to pay to the Attorney General for recovery of the amount of such penalty in an appropriate district court of the United States.

(2) REVIEW OF FINAL ORDER.—In a recovery action described under paragraph (1), the validity and appropriateness of the final order imposing such civil penalty shall not be subject to review.

SEC. 219. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) IN GENERAL.—The Secretary may make such investigations as the Secretary considers necessary—

(1) to carry out the responsibilities of the Secretary under this title; and

(2) to determine whether an individual has engaged in any practices that constitute a violation of this title, or any plan, rule, or regulation issued by the Secretary under this title.

(b) ADMINISTRATION.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of such witnesses, take evidence, and require the production of any books, papers, and documents that are relevant to such investigation.

(c) SUBPOENA.—

(1) IN GENERAL.—To carry out subsection (b), the Secretary may compel the attendance of witnesses and the production of any such records through subpoena.

(2) REFUSAL TO OBEY SUBPOENA.—

(A) REQUEST FOR AID.—If an individual refuses to obey a subpoena issued to such individual, the Secretary may invoke the aid of any court of the United States within the jurisdiction in which such investigation or proceeding is carried out, or in which such individual resides or carries on business, in requiring the attendance and testimony of such individual and the production of applicable books, papers, and documents.

(B) AUTHORITY OF COURT.—The court under subparagraph (A) may issue an order requiring such individual to appear before the Secretary, produce records if ordered to do so by the Secretary, or to give testimony concerning the matter under investigation.

(C) CONTEMPT.—The court under subparagraph (A) may punish an individual who fails to obey an order issued under subparagraph (B) for contempt of court.

(d) SERVICE OF PROCESS.—Service of process to an individual in any action to enforce this section may be served in the judicial district in which such individual resides or wherever such individual may be found.

(e) JURISDICTION.—A hearing held under this section shall be located within the judicial district where the individual who is to provide evidence resides or has a principal place of business.

SEC. 220. REFUND OF ASSESSMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, a producer or handler of organically produced agricultural products against whom an assessment is made and collected under this title and who does not support the research and promotion program as described in this title, may receive from the National Organic Board a refund of any assessment paid under this title.

(b) TIME PERIOD FOR RECEIVING REFUNDS.—Refunds referred to in subsection (a), shall be made on a monthly basis by the Board. A request for such refund shall not include a request for a refund for any period in excess of the immediately preceding 3 months prior to such request.

(c) REQUEST TO RECEIVE REFUND.—An individual requesting a refund under this section shall—

(1) make a written request for such refund in a manner as shall be prescribed by the Secretary;

(2) make such request not later than 60 days after the end of any month during which such individual paid an assessment under this title and with respect to which the producer is requesting such refund; and

(3) submit satisfactory proof that such individual paid the assessment for which a refund is requested, as determined by the Board.

(d) PROVIDING REFUND.—Not later than 90 days after receiving a request under subsection (c), the Board shall make any refund requested available to the individual making such request.

(e) SURPLUSES.—The Secretary shall release any funds that are not refunded under this section in order to carry out this Act.

(f) REFUNDS UPON DISAPPROVAL OF ORDER.—If an order providing for the collection of assessments is terminated, the assessments collected from producers and handlers prior to such termination that have not been expended shall be refunded on a pro rata basis to eligible producers and handlers, after a deduction for a proportionate amount of the expenses incurred by the Secretary and the agency of government that assists in the administration of such order, when the order terminating the program established by this title is published by the Secretary.

SEC. 221. SUSPENSION AND TERMINATION.

(a) DETERMINATIONS OF SECRETARY—If the Secretary determines that an order issued under section 203 obstructs or does not effectuate the purposes of this title, the Secretary shall terminate or suspend the operation of such order or provision.

(b) PERIODIC REPORTS.—The Secretary may periodically conduct a referendum to determine if organic producers and handlers support the continuation, termination, or suspension of any order issued under section 203 and in effect at the time of such referendum.

SEC. 222. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this title.

SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

(b) ADMINISTRATIVE EXPENSES.—The funds appropriated under subsection (a) shall not be available for payment of the expenses or expenditures of the Board in administering an order issued under this title.

TITLE III—LOW INPUT LABEL DEMONSTRATION PROGRAM

SEC. 301. DEFINITIONS.

As used in this Act:

(1) PROGRAM.—The term "Program" means the National Low Input Demonstration Program established under section 302(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, and Puerto Rico.

(4) TRANSITION FARM.—The term "transition farm" means a farm that meets all of the standards required under title I and the applicable State program but that has not yet met the 3 year requirement to be certified as an organic farm.

SEC. 302. NATIONAL LABEL DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a National Low Input Label Demonstration Program for the purposes described in subsection (b).

(b) PURPOSES.—The purpose of the Program is—

(1) to recognize that many farmers have substantially reduced the use of chemical inputs and have adopted sustainable methods of farming;

(2) to authorize the establishment of a grant program for States to explore the ramifications of establishing a low input label for agricultural products produced using low input sustainable agriculture methods of production;

(3) to provide a labeling option for farmers who are in transition from traditional to organic farming systems;

(4) to evaluate the impact that a low input label and a transition label would have on consumer purchasing decisions and organic markets; and

(5) to assess whether the availability of a low input label and a transition label would provide a significant incentive to motivate farmers to adapt more sustainable agricultural practices.

SEC. 303. ADMINISTRATION.

(a) GRANT PROGRAM.—The Secretary shall make a grant from amounts appropriated under section 306 to not less than 4 States that—

(1) have implemented a State organic certification program under title I;

(2) can designate a limited marketing area within the State in which the label established under this title could be used and controlled;

(3) submit a competitive proposal that meets the requirement established by the Secretary for conducting the Program; and

(4) will carry out a Program under this title.

(b) PREFERENCE.—In making grants under subsection (a), the Secretary shall give preference to any State that will assist in the development and implementation of the Program by making funds or other resources of such State available for use in the Program.

(c) RESPONSIBILITIES OF RECIPIENT.—Each State recipient of a grant under subsection (b) shall—

(1) design a demonstration project that meets the requirements of the Secretary;

(2) designate farming operations eligible to participate in the Program as low input sustainable farms, as determined and approved by the panel of experts established by section 1466(1) of the Food Security Act of 1985 (7 U.S.C. 4706(1));

(3) designate farming operations eligible to participate as transition farms;

(4) authorize the sale of the products of the sustainable farms designated under paragraphs (2) and (3) in retail establishments in such State; and

(5) prepare and submit a final report as required by section 305.

SEC. 304. ESTABLISHMENT OF LABELS.

(a) IN GENERAL.—The Secretary shall establish two experimental labels to be affixed to agricultural products that have been produced on low input sustainable farms and transition farms designated for participation in the Program.

(b) CONTENT OF LABELS.—The Secretary shall establish—

(1) a label that states that an agricultural product has been "produced on a LISA farm" and which that bear the seal of the Department of Agriculture; and

(2) a label that states that an agricultural product has been produced in "transition to organic" and that shall bear the seal of the Department of Agriculture.

(c) AFFIXATION OF LABEL.—The chief executive officer of a State shall affix the labels

referred to in subsection (a) to an agricultural product only if such product has been produced in accordance with the requirements established by the panel of experts established by section 1466(1) of the Food Security Act of 1985 (7 U.S.C. 4706(1)).

SEC. 305. REPORTS.

Not later than 2 years after the date of enactment of this title, the chief executive officer of a State shall prepare and submit a final report that contains the results of the Program to—

(1) the Secretary;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE IV—NATIONAL LABORATORY ACCREDITATION

SEC. 401. PURPOSES.

The purpose of the program established by this title is—

(1) to protect and assure individuals involved in the interstate commerce and consumption of food that the representations by laboratories as to chemical residues or the lack of residues in food is accurate;

(2) to authorize the Secretary of Agriculture, in consultation with other agencies, to establish minimum standards concerning the quality of the equipment and staff and testing protocols used by such laboratories;

(3) to provide for public disclosure of the results concerning the accreditation of laboratories; and

(4) to require disclosure to the Secretary of Agriculture of all residue levels that exceed tolerances set by the Administrator of the Environmental Protection Agency and the Administrator of the Food and Drug Administration and of all residue levels for substances prohibited or under special review by the Administrator of the Food and Drug Administration.

SEC. 402. DEFINITIONS.

As used in this title:

(1) AGRICULTURAL PRODUCTS.—The term "agricultural products" means any agricultural commodity or product whether raw or processed, including any commodity or product derived from livestock or fowl that is marketed in the United States for human and livestock consumption.

(2) CERTIFICATE.—The term "certificate" means a certificate of accreditation issued under this title.

(3) LABORATORY.—The term "laboratory" means any facility or vehicle that is owned by an individual or a public or private entity and is equipped and operated for the purpose of carrying out pesticide residue analysis on agricultural products.

(4) PESTICIDE.—The term "pesticide" means any substance that alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).

(5) REFERENCE LABORATORY.—The term "reference laboratory" means a laboratory that is owned and operated by a governmental regulatory agency for the principal purpose of analyzing samples referred by other laboratories for confirmatory analysis.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 403. NATIONAL LABORATORY ACCREDITATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a National Laboratory Accreditation Program under which laboratories that conduct residue testing of agricultural products under this Act, or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products, shall be determined to meet certain minimum quality and reliability standards.

(b) REQUIREMENTS.—In order to be accredited under this title, a laboratory shall—

(1) prepare and submit an application for accreditation to the Secretary;

(2) complete a series of tests required by the Secretary; and

(3) comply with any additional terms and conditions as are determined necessary by the Secretary.

(c) CONSULTATION.—The Secretary shall, in consultation with the Administrator of the Food and Drug Administration, establish minimum standards for laboratories concerning—

(1) quality assurance programs;

(2) laboratory facilities;

(3) equipment;

(4) normal scientific methodologies;

(5) qualifications of directors and other personnel; and

(6) any other area concerning the operation or maintenance of a laboratory that is determined by the Secretary to be necessary to ensure accurate and complete analysis.

(d) EXCEPTIONS.—This title shall not apply to—

(1) a laboratory operated by a government agency;

(2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;

(3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or

(4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of an individual who is initiating the analysis.

SEC. 404. ACCREDITATION.

(a) IN GENERAL.—The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this title, as determined by the Secretary.

(b) REQUIREMENTS FOR ACCREDITATION.—To receive accreditation under this title, a laboratory shall prepare and submit an application for accreditation to the Secretary and shall complete all tests of samples required, and meet all minimum standards established, by the Secretary under section 403.

(c) INTERIM ACCREDITATION.—

(1) IN GENERAL.—On the filing by a laboratory of a complete application for accreditation under section 405, the Secretary may issue a certificate of interim accreditation to such laboratory pending the full approval of such application by the Secretary.

(2) CRITERIA.—The Secretary may issue certificates of interim accreditation to laboratories that the Secretary determines are likely to successfully meet all requirements for full accreditation. In making such determination, the Secretary shall consider the experience and current personnel of such laboratory.

(3) DURATION.

(A) COMPLETION OF EVALUATION.—An interim accreditation shall be effective until the Secretary either grants or denies such laboratory full accreditation.

(B) MAXIMUM PERIOD.—An interim accreditation shall not be effective for more than 180 days after the date of the issuance of such.

(C) NON-RENEWABLE.—An interim accreditation shall not be immediately renewable.

(d) FAILURE TO MEET ACCREDITATION STANDARDS.—The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that—

(1) does not complete successfully all tests of samples and other tests required by the Secretary;

(2) does not pass an onsite inspection conducted by the Secretary; or

(3) is not in compliance with the national laboratory accreditation program established under this title.

(e) LIMITED ACCREDITATION.—The Secretary may issue certificates of accreditation to laboratories that are limited to specific fields of testing.

(f) DURATION OF ACCREDITATION.—A certificate of accreditation shall be effective for not more than 3 years from the date of the issuance of such.

(g) RENEWAL OF ACCREDITATION.—A certificate of accreditation for a laboratory may be renewed on the completion of all tests of samples required by the Secretary and on a review of such laboratory by the Secretary to determine that such laboratory meets the requirements of this title.

SEC. 405. SAMPLES.

(a) PERFORMANCE EVALUATION SAMPLES.—

(1) PROVIDED BY SECRETARY.—The Secretary shall provide performance evaluation samples to any laboratory that has applied for accreditation or for a renewal of accreditation under this title.

(2) ANALYSIS BY LABORATORY.—A laboratory described in paragraph (1) shall analyze such performance evaluation samples and submit the results of such analysis to the Secretary.

(3) TESTING METHODS.—Samples shall be tested by the laboratory according to methods specifically approved for such purpose by alternate methods of demonstrated adequacy or equivalence, as determined by the Secretary.

(b) RESULTS OF TESTING.—

(1) SUBMISSION OF RESULTS.—The laboratory shall submit the results of the tests conducted under subsection (a) to the Secretary on forms provided by the Secretary, on or before the date determined by the Secretary.

(2) EVALUATION OF TESTS.—The Secretary shall evaluate the results of such tests achieved by the laboratory and shall determine whether such laboratory is capable of undertaking an accurate analysis of chemical residues in agricultural products.

(c) REVIEW OF ACCREDITATION.—The Secretary shall provide performance evaluation samples for analysis to laboratories accredited under this title not less than two times a year.

(d) IDENTIFICATION.—In any arrangement between laboratories that involves the transfer of performance evaluation samples or portions of such samples, the analyzing laboratory shall be identified in all reports regarding such samples and shall be the laboratory for purposes of accreditation.

SEC. 406. APPLICATION.

(a) CONTENTS OF APPLICATION.—An application for accreditation or for renewal of accreditation under this title shall be prepared and submitted to the Secretary and shall include—

(1) the name and address of the laboratory;

(2) the name and address of the owners and managers of such laboratory;

(3) a statement concerning the type of analysis the laboratory intends to conduct;

(4) a brief history of the laboratory and its previous operations; and

(5) such other information as may be required by the Secretary.

(b) RESTRICTIONS ON SUBMISSION OF APPLICATION.—A laboratory that has been denied, or has lost, accreditation under this title shall not reapply for accreditation until the expiration of at least 1 year after such denial or loss of accreditation.

SEC. 407. REPORTING.

(a) IN GENERAL.—Each laboratory or individual that performs, brokers, or otherwise arranges for the performance of pesticide chemical analysis of food shall prepare and report, to the Secretary and, by certified mail, to the owner of such food, that shall contain any finding of pesticide chemical residues in such food—

(1) for which no chemical residue tolerance has been established; or

(2) that is in excess of residue tolerances or tolerances for a pesticide suspended, banned, or otherwise not permitted by the Environmental Protection Agency.

(b) TIMING OF REPORT.—A laboratory shall submit the report required under subsection (a) to the Secretary as soon as practicable after the completion of the analysis of such food.

(c) GUIDELINES.—The Secretary shall adopt standardized reporting guidelines to be applied to laboratories under this section and shall provide such guidelines to laboratories accredited under this title, as well as other sources of information regarding applicable pesticide chemical tolerances.

SEC. 408. FEES.

(a) IN GENERAL.—At the time that an application for accreditation is received by the Secretary, and annually thereafter, a laboratory seeking such accreditation or a renewal of accreditation under this title shall pay a nonrefundable accreditation fee.

(b) AMOUNT OF FEE.—The fee required under subsection (a) shall be established by the Secretary in an amount that will assist in offsetting the cost of the program established by this title.

(c) REIMBURSEMENT OF EXPENSES.—Each laboratory that is accredited under this title or that has applied for accreditation under this title shall reimburse the Secretary for reasonable travel and other expenses necessary to perform onsite inspections of such laboratory.

(d) ADJUSTMENT OF FEES.—The Secretary may, on an annual basis, adjust the fees imposed under this section, as necessary to support the full costs of the program established by this title.

(e) GOVERNMENT-OWNED LABORATORY.—A State or local government-owned laboratory that performs work only in a reference capacity as a reference laboratory shall be exempt from the payment of any accreditation fee required under this section.

SEC. 409. PUBLIC DISCLOSURE.

The results of the evaluations of laboratories conducted by the Secretary under this title shall be made available to the public on request.

SEC. 410. REGULATIONS.

The Secretary shall promulgate regulations to carry out this title.

SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 412. EFFECTIVE DATE.

This title shall become effective on January 1, 1991.

Mr. CONRAD. Mr. President, I am pleased to cosponsor Senator LEAHY's Organic Foods Production Act. This bill is the result of a little-known success story in American agriculture and its passage will pave the way for more success. This is an important bill and it comes before the Senate at a most opportune time.

Farm income dropped dramatically during the 1980's. Farmers in my State of North Dakota responded by seeking out new markets and supplying agricultural products for those markets. Their resourcefulness included adopting organic production methods. They have been successful: North Dakota is a leading State in the production of organic grain, with over $5 million worth produced every year.

Organic farming in North Dakota is not a backyard operation but an important sector of the agricultural economy. In 1988 over 50,000 acres of North Dakota cropland were certified organic. One operation alone, the Kirschenmann Family Farms of Windsor, ND, comprises 3,000 acres.

In the face of the worst agricultural crisis of this century, our farmers found new ways to succeed. Now is the time to consolidate the gains our farmers have made. While consumers want to buy organic foods, they are confused about which foods in the store are truly organic and which are not. By setting strict national standards and adopting a USDA organic label, we can help expand the market for organic products. Right now 19 States have 19 different definitions of organic. We need one national definition to give consumers confidence in their purchases. This bill, simply by reassuring consumers, will strengthen the market for our organic producers.

This bill will protect organic producers. Organic food is a niche market characterized by consumers who are willing to pay a premium for superior products. True organic producers must be protected for those who would market their products as organic without adhering to strict organic production methods. This bill does that by providing for farm certification and product testing.

This bill is good for the environment. We are all interested in seeing farmers adopt more environmentally sensitive production methods. It is fundamentally important, however, that we use a positive, incentive-based approach rather than rely upon a punitive approach. By protecting organic producers, this bill will give farmers the confidence to adopt and develop sustainable farming practices.

Farmers will reduce or eliminate their use of synthetic chemical inputs if they can do so profitably. Farmers like the Kirschenmanns of North Dakota have shown that it can be done. But their profitability depends upon consumers' confidence in the products that reach the supermarket shelves. The Organic Foods Production Act can give consumers that assurance and gently encourage farmers who want to move to environmentally sensitive farming practices. Mr. President, the Organic Foods Act should become part of our farm and food policy for the 1990's. Senator LEAHY and his staff, particularly Kathleen Merrigan, are to be commended for this fine bill. I urge its rapid passage.

By Mr. DIXON:

S. 2109. A bill to suspend temporarily the duty on parts of generators for use on aircraft; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CERTAIN GENERATOR PARTS

● Mr. DIXON. Mr. President, I am today introducing legislation to temporarily suspend the duty on aircraft generator components. This is a matter that was first brought up last year, when it was included in the fiscal year 1990 reconciliation bill as passed by the House of Representatives. It was not, however, included in the final version of the bill because the Senate insisted on keeping the reconciliation bill narrow, focused solely on the spending and revenue items that were necessary to comply with the instructions in the budget resolution.

I supported the narrow approach to the reconciliation bill. However, I continue to believe that the issue presented by this bill needs to be addressed. I understand that the Finance Committee is considering putting together an omnibus tariff bill; I strongly believe this provision should be included in that measure.

The bill is simple and noncontroversial. It merely provides time for the administrative process to correct an inequity created by the new harmonized system of tariffs. Until recently, aircraft generator components could be imported on a duty-free basis. Under the new harmonized tariff schedule, however, this duty-free treatment was eliminated. This change results in a significant handicap for American producers of aircraft generators. Complete aircraft generators can be imported duty-free, but if a U.S. firm wants to do the bulk of the work here in the Unites States, using some imported parts, import duties must be paid.

This legislation does not, however, attempt to resolve this issue permanently. It simply maintains what had

been the status quo to provide an opportunity to pursue administrative relief through the United States Trade Representative and the Department of Commerce.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

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

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of the Harmonized Tariff Schedules of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.03	Parts of generators for use on aircraft (provided for in subheading 8503.00.60).	Free	No change	No change	On or before 12/31/92."

SEC. 2. (a) The amendment made by the first section of this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of this Act.

(b) Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law to the contrary, upon a request filed with the appropriate customs officer before the 90th day after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption of goods to which the amendment made by the first section of this Act applies and that was made—(1) after December 31, 1988; and (2) before the 15th day after the date of enactment of this Act;

and with respect to which there would have been no duty if the amendment made by the first section had applied to such entry or withdrawal, shall be liquidated or reliquidated as though such entry or withdrawal had occurred on such 15th day.●

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. SIMON, Mr. DOLE, Mr. ADAMS, Mr. BENTSEN, Mr. BRADLEY, Mr. BRYAN, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. D'AMATO, Mr. DECONCINI, Mr. DODD, Mr. GORTON, Mr. HEFLIN, Mr. HOLLINGS, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mr. STEVENS, Mr. WILSON, and Mr. DASCHLE):

S. 2111. A bill designating the month of May as "Asian/Pacific American Heritage Month"; to the Committee on the Judiciary.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

● Mr. MATSUNAGA. Mr. President, in 1977, I had the pleasure of introducing legislation which provided for the observance of Asian/Pacific American Heritage Week in early May. That bill later became Public Law 95-419. Asian/Pacific American Heritage Week has been proclaimed annually since then, and, at no cost to the Federal Government, has contributed to a better understanding of the many contributions which Americans of Asian and Pacific Island ancestry have made to our national heritage.

Today, with 22 cosponsors, I am pleased to introduce legislation which would amend Public Law 95-419 to provide for the annual celebration of Asian/Pacific American Heritage Month. I am most grateful to Senators INOUYE, SIMON, ADAMS, BENTSEN, BRADLEY, BRYAN, BURDICK, CHAFEE, COCHRAN, CONRAD, D'AMATO, DECONCINI, DODD, DOLE, GORTON, HEFLIN, HOLLINGS, LEVIN, LUGAR, MURKOWSKI, STEVENS, and WILSON for joining me in this effort.

Extension of the annual observance to a month would provide more flexibility for the Government agencies and private organizations which plan events during the celebration. In the past 12 years, Asian American Heritage Week has been observed with food festivals, film festivals, art exhibits, exhibits in public libraries, special programs in public schools, and special programs in Government agencies at the local, State, and Federal level. The proposed extension is also consistent with the annual observance of Black History Month and Hispanic Heritage Month.

Asian/Pacific Americans are the second fastest growing minority group in the United States, after Hispanics. They are a very diverse group of people, including Chinese-Americans and Japanese-Americans whose forebears came to this country in the 19th century, as well as more recent immigrants from Korea, India, Pakistan, the Philippines, Samoa, Vietnam, Cambodia, and Laos. Over the years, they have achieved prominence in science, the arts and architecture, education, business, and politics at all levels. They have helped make our country the great nation that it is today, yet all too often even those who were born and raised here are treated as foreigners. The observance of Asian/Pacific American Heritage Month would help make their achievements more visible to their fellow Americans, and would also engender a greater appreciation of their ancestral roots among Asian and Pacific Americans.

Mr. President, I hope that my bill will receive early, favorable consideration in committee and on the Senate floor.

I request unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD at this point.

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

S. 2111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 95-419 be amended by—

(1) inserting "annually" in between "proclaim" and "the";

(2) striking "seven-day period beginning on May 4, 1979" and inserting "31-day period beginning May 1, 1990";

(3) striking "Week" and inserting "Month";

(4) inserting "annually" in between "to issue" and "a proclamation";

(5) striking "seven-day period beginning on May 4, 1979" and inserting "31-day period beginning May 1, 1990";

(6) striking "Week" and inserting "Month";

(7) striking "week" and inserting "month";

(8) inserting "programs," in between "appropriate" and "ceremonies".●

● Mr. SIMON. Mr. President, I am proud to join my good friends and colleagues from the State of Hawaii, Senators SPARK MATSUNAGA and DANIEL INOUYE, on the introduction of our bill to designate the month of May as Asian/Pacific American Heritage Month.

Since 1979, we have set-aside 1 week annually to recognize the contributions that Asian and Pacific Americans have made and do make to our Nation. Over the past decade, the Asian and Pacific American population has increased. Today, Asian and Pacific Americans are the fastest growing minority group in the country. It is appropriate, therefore, to correspondingly expand heritage week to 1 month.

Mr. President, there are many myths about Asian and Pacific Americans. Heritage Month provides an important opportunity for all Americans to learn about Asian and Pacific Americans. For example, some people believe that Asian Americans all live in California and Hawaii. Few know that my State of Illinois has the fourth largest population of Asian and Pacific Americans and that there are more Asian and Pacific Americans in Chicago than in any city in the United States but San Francisco, Los Angeles, Honolulu, and New York City.

Sometimes Asian and Pacific Americans are called the model minority. As I have stated on the Senate floor before, however, this term, no matter how well-meaning it may be, tends to ignore real needs and special concerns of new refugees from Southeast Asia; health needs of the Asian elderly; and language needs of Asian workers in many industries among others. Asian/Pacific American Heritage Month provides a much better way for all Americans to honor this growing population and for Asian and Pacific American youth to learn about those who came before them.●

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. ADAMS, and Ms. MIKULSKI):

S. 2112. A bill to amend the National Labor Relations Act to prevent discrimination based on participation in

labor disputes; to the Committee on Labor and Human Resources.

PREVENTION OF DISCRIMINATION BASED ON PARTICIPATION IN LABOR DISPUTES

● Mr. METZENBAUM. Mr. President, I rise to introduce legislation that affirms and restores long-held rights of American workers. I am very pleased to be joined in this effort by three of my colleagues on the Labor Committee, Senators KENNEDY, ADAMS, and MIKULSKI.

Under the National Labor Relations Act, Congress established that both employees and employers had the right to engage in economic self-help activities. For employees, the cornerstone of this federally protected concerted action is the right to withhold services from an employer in order to further objectives in the collective bargaining process—in other words, the right to strike. For more than 50 years, the right to strike has provided American workers with their basic economic weapon during a labor dispute.

Employers have a number of choices in responding to a worker strike. They may shut down operations during the pendency of the strike. They may continue operations by using their supervisory and management personnel and, sometimes, by using temporary replacement employees.

The Supreme Court opened up another option for employers in its 1938 Mackay Radio decision. In Mackay Radio, the Supreme Court gave employers the right to hire permanent replacements for strikers. Subsequent to Mackay Radio, employers rarely chose to exercise this option, in large part because permanently replacing strikers was viewed as unacceptable conduct by the general public.

This scenario changed dramatically during the 1980's. Former President Reagan set the stage in 1981 when he fired and permanently replaced 12,000 striking air traffic controllers. His action sent a clear message to the employer community that it was now acceptable to fire and permanently replace striking workers. Through his actions, President Reagan legitimized a much more aggressive, and even hostile, employer strategy during labor disputes.

The 1980's witnesses a tremendous growth in the hiring of permanent replacements. Since 1981, tens of thousands of strikers have been permanently replaced. Not surprisingly, the 1980's also witnessed a decline in the number of strikes. Workers, knowing that permanent replacement was a very real risk, were much less willing to exercise their right to strike. A preliminary comparison of labor relations activity by seven major unions indicates that the number of strikes fell by 50 percent between 1980 and 1987. Yet the number of strikes where permanent replacements were hired increased by more than 300 percent in this same 7-year period.

The Supreme Court's 1989 decision in Trans World Airlines versus International Federal of Flight Attendants further eroded the rights of strikers. In its decision, the Court departed from precedent and decided that employers could offer preferential benefits to strikers who crossed picket lines and returned to work. The Court condoned what it earlier had labeled a practice "inherently destructive" of the right to strike. The effect of the Trans World Airlines decision was to stack the deck further against workers seeking to exercise their legitimate right to strike.

The legislation I am introducing today overturns both the Mackay Radio and Trans World Airlines decisions. The bill restores the right to strike to its correct status as a legitimate economic weapon for workers. The legislation prohibits employer actions that undermine the right to strike. Employers may still continue to use legitimate economic weapons, but they may not engage permanent replacements, or apply discriminatory preferences in favor of workers who cross picket lines.

I believe this legislation addresses a fundamental labor relations issue that deserves consideration by the Congress. I expect that the Labor Committee will hold hearings on the bill in the near future. 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. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or", and

(2) by adding at the end thereof the following new paragraph:

"(6)(i) to offer, or to grant, the status of a permanent replacement employee to an individual for performing bargaining unit work for the employer during a labor dispute, or

"(ii) to otherwise offer, or grant, an individual any employment preference based on the fact that such individual was employed, or indicated a willingness to be employed, during a labor dispute over an individual who—

"(A) was an employee of the employer at the commencement of the dispute;

"(B) has exercised the right to join, to assist, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection through the labor organization involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the employer.".●

● Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of S. 2112, a bill offered by the chairman of the Labor Subcommittee to ban the permanent replacement of strikers during labor disputes. The practice of hiring permanent replacements undermines a basic tenet in labor-management relations: An employees right to strike.

The problem is long standing, and it began with the case of Labor Board versus Mackay, decided by the Supreme Court in 1938. In dicta, the Court declared that an employer may permanently replace an economic striker, and upon termination of the strike, the employer has no obligation to reinstate the striker if the position is still filled by the permanent replacement. In Mackay, the Court determined that the employer's right to maintain his business during a strike could only be protected if the employer was able to offer replacement workers permanent positions.

The Court correctly recognized the need to balance the right of employers to maintain their businesses against the right of employees to engage in collective activity. But the decision went too far. In Mackay, the Court ignored the clear intent of Congress, stated in the National Labor Relations Act that "nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike."

Unfortunately, the issue of permanent replacement of strikers was not adequately briefed or argued before the Court in Mackay. The practice of permanent replacements was approved in dicta by the Court, without significant discussion or debate. Subsequently, it has been the subject of a great deal of criticism. This bill will resolve this continuing problem in a clear and unambiguous fashion.

Mackay effectively curtails a right explicitly granted to employees—the right to strike. Common sense dictates that if employees know there is a significant chance they will be permanently replaced while on strike, the right to strike is undermined. In Mackay, this right was limited on the basis of an unproven assertion—that permanent employees are necessary for an employer to protect and continue business during a strike.

The Mackay rule also imposes practical problems as well, Currently, an employer may permanently replace an employee during an economic strike, but not during an unfair labor practice strike. Often, it is unclear whether a dispute is an unfair labor practice strike or an economic strike, and because an economic strike may become an unfair labor practice strike, the rights and obligations often become ambiguous to both sides.

The Mackay doctrine also has potentially harsh results for the replaced

employee, notwithstanding the current law that employers must reinstate permanently replaced employees when their replacements depart unless the striker has acquired regular and substantially equivalent employment or the employer has demonstrated legitimate and substantial reasons for not doing so. Permanently replaced employees may wait indefinitely for an opening, but if they abandon the wait and accept other employment, they may forfeit their pension and seniority. This is an unnecessarily harsh choice.

Subsequent Court decisions have placed limitations on the Mackay doctrine. Employers may not offer replacements higher wages, super seniority, or better vacation benefits. And in Belknap Inc. versus Hale, the Supreme Court also arguably limited the use of permanent replacements, by suggesting that an employer may avoid liability by offering the replacement permanent employment only on the condition that an agreement does not later require the reinstatement of the striking employees. But these subsequent rulings merely temper bad law. It is time to reverse the bad law itself.

The bill we are introducing today draws the issue clearly, and will allow the Senate to begin the long delayed effort to craft a law which truly balances the interests at stake in labor disputes without unfairly tilting the scales. I commend Senator METZENBAUM for his leadership and I look forward to working with him on this measure.●

By Mr. HEINZ:

S. 2113. A bill to promote and assist in the development of the private sector, including small- and medium-sized businesses, in central and eastern Europe through an export enhancement regime that will encourage direct private investment in such countries; to the Committee on Banking, Housing, and Urban Affairs.

CENTRAL AND EASTERN EUROPE INVESTMENT AND ENHANCEMENT ACT

Mr. HEINZ. Mr. President, I rise today to introduce the Central and Eastern Europe Investment and Export Enhancement Act of 1990. This bill promotes and assists in the development of the private sector, including small and medium-sized businesses, in Central and Eastern Europe. Western nations should assist in the economic transformation occurring in Central and Eastern Europe through economic and technical assistance that uses Western technology and private direct investment to promote market mechanisms. As I have stated before, I do not believe that simply throwing money at the economic ills of Central and Eastern Europe will accomplish U.S. foreign economic policies aimed at the region.

The bill establishes an export enhancement regime to facilitate private direct investment by proposing to extend full and immediate China green line treatment to countries in central and eastern Europe that meet, at a minimum, the following criteria: Replace their Communist governments with democratically elected ones, take concrete measures to lessen and ultimately eliminate the military threat to the West, develop free market mechanisms, and demonstrate the political willingness to negotiate technology security regimes based on conditions established by the United States and Cocom, the 17-nation multilateral export control system that coordinates Western export control policies. Poland, Hungary, East Germany, and Czechoslovakia, as I will explain shortly, are well on their way toward meeting these criterion today.

Mr. President, there are two revolutions occurring in Central and Eastern Europe today, one highly visible, one barely noticeable.

The first revolution, the political revolution, is occurring at breakneck speed throughout Central and Eastern Europe. A day does not go by that the media does not report still another major change in the political landscape of the region. The latest development is the all but certain unification of the two Germanies. Communist governments are rapidly toppling as one-party rule has given way to multiparties and free elections. Indeed, the political revolution may well have reached the Soviet Union itself, which had done its utmost to insulate itself from the very forces of change it encouraged elsewhere.

The second revolution is not as highly visible nor as well-defined. I am referring to the technological revolution building in Central and Eastern Europe. And I see very little evidence that the U.S. Government has a full appreciation of this dimension of the economic transformation. Has the administration, for example, given as much thought to the implications of German unification to the continued viability of Cocom as it has to NATO? It is common knowledge that the Social Democratic Party has called for the withdrawal of a united Germany from Cocom. I have it on good authority that several members of Cocom have said that Cocom cannot and must not be an impediment to the issue of unification.

I submit that a Cocom without Germany will potentially have as serious implications for the technology revolution in Europe as a NATO without a Germany could potentially have for the security of Europe.

Let me demonstrate by example what I mean. At the macrolevel, the Federal Republic has the largest political, economic, and security stake in Eastern Europe's transformation. It has the requisite economic resources, including technological resources, to become the leader in East-West trade. The West Germans are world leaders in such key technological sectors as telecommunications, to which I will come back shortly, and machine tools. West Germany has captured 45 percent of the machine tool market in Central and Eastern Europe compared to less than 2 percent for the United States.

Because it is a case in point, I will from time to time discuss the issues and problems affecting telecommunications. While this is an important and critical industry, it is illustrative of the problems involved with industry offer industry technology.

To focus on a specific area let's begin with West Germany, one of the world's leaders in the telecommunications sector. Currently, Cocom prohibits the export to East Germany of civilian-use telecommunications digital switching systems, including equipment that is obsolete in the United States and Western Europe; namely, digital, transmission systems for radio and fiber optic media up to 45 megabits. A megabit is the speed, measured in million, of how quickly and how much information travels over telephone lines. The more megabits, the more simultaneous call capacity the system can handle. In the United States, AT&T operates in the range of 1.7 gigabits, units measured in billions. The standard for Western Europe is 565 megabits, but by 1992, the standard is expected to increase to 2.5 gigabits. The reason for decontrolling systems up to 45 megabits is clear: who would want to buy obsolete systems in any event?

The administration proposes to relax export control restrictions in Cocom in two phases for telecommunications. The first phase would continue to maintain controls on the kind of equipment and technologies required to make compatible the telecommunications networks in Western and Eastern Europe. The proposal would also extend China green line treatment to eligible Central and Eastern European countries for microwave systems up to 140 megabits, but not for fiber, which has the capacity for more call handling. This proposal would still require anything above 45 megabits on fiber and 140 megabits on microwave radio to have a unanimous Cocom vote for approval, thereby slowing the process.

The problem with the administration's proposal is that it does not permit the export of the kinds of equipment required to upgrade the system at the same level as that of China's. Currently, China's green line treatment permits such sophisticated telecommunications equipment as common channel signaling and 140 megabit fiber optic transmission sys-

tems. Under the administration's current proposal, these systems would not be permitted for export to Eastern Europe.

Even with 140 megabit fiber optic transmission speeds, there is a likelihood of creating the neck of a funnel when connecting to 565 megabit European standards. In other words, the disparity in the call capacities is such that the system would choke. The restriction of information flow and civilian telecommunications equipment and technology to facilitate information exchange is not in the spirit of stimulating political and economic reforms in Central and Eastern Europe.

Does anyone seriously believe that West Germany is going to integrate its telecommunications system with an obsolete or incompatible one, be it in East Germany or other countries in the region?

The West German telecommunications market is a protected market. Siemens, for example, has exclusive rights to the development of West Germany's telecommunications infrastructure network. Under this circumstance, at best, Cocom will be irrelevant to West German development plans in East Germany. At worst, the political pressure to withdraw from Cocom can only intensify. At a time when the imperative is for including a united Germany in NATO and other international organizations, the consequences of withdrawing from Cocom would have major implications for the continued viability of the organization as a whole.

Do we honestly believe, then, that the United States Government, with the possible support of the United Kingdom, can stem the tide of the technological revolution that is sure to occur in Europe as the military threat to the region continues to decline at its current pace? Does the administration realize that, as EC92 approaches, 90 percent of U.S. products currently being sold there are already being manufactured in host EC countries by U.S. multinationals? What does this development mean for foreign availability of technologies readily available to the Soviet bloc when most controls on technology are rendered moot first by German reunification and then by the transformation of Communist governments to democratic ones?

The purpose of United States and Cocom export controls is to deny the Soviet bloc the acquisition of militarily critical technologies that would significantly improve their military potential. What happens to this purpose as the countries of Central and Eastern Europe began to transform defense factories into civilian-producing factories? It is not difficult to foresee the day soon when Europe will be awash with consumer goods and technologies in search of new markets. Where, one wonders, will U.S. firms be in the larger economic transformation occurring in Europe?

The administration's initial response to these questions has been an initiative designed to buy time. About 3 weeks ago, the Bush administration dispatched a high-level mission to Europe to propose to the allies the adoption of a skimpy and short sighted version of the China green line policy for exports of high technology to the East bloc. Secretaries Baker and Mosbacher and National Security Adviser Scowcroft are quoted as saying that the proposal has the blessing of the administration. New York Times, January 23, 1990. This from the same administration officials who labeled as a "bad idea" a similar proposal I introduced last summer for relaxing controls to the bloc. At the time, I proposed the adoption of a China green line differential for Poland and Hungary to distinguish how we treat exports to the two countries from those to the Soviet Union and other Communist countries to whom we did not wish to relax export controls.

The proposal also included a safeguard regime comprised of Customs agreements and Cocom-approved strategic trade agreements that allow United States officials to verify the end use, end uses, and location of Western technology sold to Poland and Hungary.

I have been briefed on the contents of the proposal, and I am concerned that the administration's proposal still falls short of what the bloc nations, particularly Poland and Hungary, will require to modernize their economies.

The reason for the administration's cautious approach to the coming technological revolution in Central and Eastern Europe may well be found in the rationale it has used to relax export controls toward selected members of the bloc.

The basis for the administration's decision, we are told, is the "political liberalization" that has taken place in the East bloc (Post, January 22, 1990). While I do not disagree with this rationale, the United States and the Coordinating Committee [Cocom], have traditionally based high-technology controls on national security determinations, not political liberalization or economic reforms. The nature of the military threat, not the nature of the political system, formed the rationale for U.S. export control policy.

During the debate on economic assistance to Poland and Hungary last fall, Congress, like the administration, expressed its deep concern with Poland and Hungary's close military cooperation with other Warsaw Pact countries, their membership in the Council for Mutual Economic Assistance [CMEA, or, Comecon] and the continued presence of the KGB in both countries. In the end, the Congress adopted and the President signed into law a requirement that the administration identify the confidence building measures Poland and Hungary could undertake to facilitate the negotiation of agreements, including bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in those countries. The amendment also required the administration to identify the confidence building measures Poland and Hungary could undertake for the purpose of relaxing export controls to those countries.

Since the bill was signed in November, the non-Soviet Warsaw Pact countries have taken several encouraging confidence building measures that deserve more reciprocity than is contained in the administration's current proposal. For example, the 10-member nations of Comecon, the Soviet-dominated economic union, agreed several weeks ago to move toward a market-based system of free trade despite Moscow's attempt to maintain the bankrupt system for a longer period of time. Hungary and Czechoslovakia proposed to gut the entire system now and get on with the business of integrating their economies to those of the West. Moscow's resistance at this time is pro forma.

Several weeks ago the top military leaders from NATO and the Warsaw Pact defense alliances met in Vienna to discuss military strategy, spending, and force deployments in the near future. U.S. military analysts concluded that there was a greater willingness by some pact countries to base their security interests on their, and not Moscow's, needs. In addition, Poland, Hungary, and Czechoslovakia have announced spending cuts up to 25 percent in the coming year, and some have pledged to scale back purchases of new, high-technology weapons, a move that would certainly improve the technology transfer environment towards the bloc. Poland, Hungary, and Czechoslovakia have also notified Moscow of their intention to demand the complete withdrawal of Soviet troops from their respective territories. Czechoslovakia, Hungary, and Romania have ordered that pledges of fealty to the party be stripped from military service oaths.

Finally, at least one bloc country has ordered a certain number of KGB members to leave, and plans to demand that all leave in due time. Other bloc countries have expressed the same intention.

The United States and its allies are reciprocating—up to a point. The United States, for example, has restored most-favored-nation trade status to imports from Poland and Hungary and plans to lift Jackson-Vanik trade restrictions against Czech imports. Romania has asked that its

MFN status be restored. Deposed President Nicolae Ceauscescu voluntarily withdrew Romania's MFN status in 1988 because of continued United States criticisms of its human rights violations.

East bloc countries cannot hope to develop a competitive, Westernized economy with third rate technology. A Hungarian official put it this way:

> We cannot have a first-rate economy with third-rate technology, and we cannot earn the currency required to transform our backward economies into modern ones if we cannot compete in the world marketplace.

According to the Congressional Research Service,

> Facilities are becoming available as defense plants to be absorb into civilian economy in East Europe are closed down.

This is one confidence building measure that should be factored into a decision to relax controls against those countries that have expressed the political willingness to enter into negotiations with the United States and Cocom to develop technology security regimes based on Western conditions. Hungary, for one, has tabled such a proposal with the United States Government.

I would, therefore, add one more reciprocal benefit I first proposed to Secretaries Baker and Mosbacher last summer: grant those bloc countries that have adopted democratic regimes and are taking concrete steps to reduce their military, intelligence, and economic ties to the Soviet Union, such as Poland, and soon Hungary and Czechoslovakia, full and immediate China green line treatment. In other words, treat these countries as we treated China before Tiananmen. The levels of technology available to those qualifying bloc countries would be considerably higher than that available to the Soviet Union and other Communist countries.

I have been briefed on the contents of the proposal, and I am concerned that the administration's thinking still falls short of what the bloc nations, particularly Poland and Hungary, will require to modernize their economies. First, the administration's proposal covers only three categories—computers, telecommunications, and machine tools. The Cocom list contains 39 categories. What happened to the other 36?

Second, within the three categories, important as they are, the administration is doing a slight bit of hand. It proposes to relax controls in two phases, and even at the conclusion of the second phase, it falls well short of granting full China treatment. Regarding the three categories in question, a closer look reveals their inherent shortcoming.

COMPUTERS

China is currently eligible to buy large mainframe computers such as the IBM 3090. The bloc countries are limited to AT but most PS/2-level personal computers or graphic work stations. The administration has taken a positive first step in allowing the export of the 386 microprocessor, and has proposed to increase the level of computers six times from the present level to a level of a lesser IBM-3090. The increase will still be insufficient for these countries to establish first-rate medical, airline, and other legitimate civilian end-use sectors. Full China green line treatment would.

TELECOMMUNICATIONS

As I have already noted, China is currently eligible to buy top-of-the-line telecommunications switching equipment to go with the fiber optic cable decontrolled several years ago. It may surprise some that China has developed the potential to establish a national and global telecommunications network second to none within the next 5 years.

MACHINE TOOLS

Finally, the U.S. position would decontrol machine tools with tolerances of plus or minus 5 microns. The China green line places the tolerance level at plus or minus 3 microns. The East bloc is offered machine tools at grades inferior to—and not even half as good as—those available to China. West Germany has proposed a level even lower than the China green line.

Finally, I am pleased that the administration has also adopted the idea of the technology transfer safeguard regime as a precondition to liberalizing export controls. This too, however, has received some attention on the administration's latest proposal, but the administration has dragged its feet on doing anything concrete to nail down any such agreements. Poland and Hungary have informed me of their willingness to initiate negotiations on bilateral Customs and technology safeguard agreements now based on Cocom terms. The administration has been lukewarm to Hungary's request to negotiate a Customs agreement; it has not even approached Poland.

The administration has been the reluctant partner in relaxing controls over the past 10 months. Events in Eastern Europe clearly are moving at breakneck speed with and without us. On this critical area, I would think it is to our advantage to lead the negotiations to relax controls rather than allowing the allies to do it for us. We have the experience, and we have the most sought after technology. The latter is more liable to change than the former. It does not take a prophet to foresee the collapse of Cocom as we know it if we do not act promptly and substantively.

Mr. President, I hope my colleagues who believe that the development of free markets and democratic institutions in Eastern and Central Europe, and those who share my conviction that private investment and technology are the minimum necessary tools to ensure the successful economic and lasting political integration of nations like Poland, Hungary, and Czechoslovakia into the West, will support and cosponsor this legislation.

I ask unanimous consent that the text of my legislation be printed at this point.

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

S. 2113

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 "Central and Eastern Europe Investment and Export Enhancement Act of 1990".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The changes occurring in Central and Eastern Europe have widened the potential for trade, investment, and commercial relations between the United States and selected countries of the region.

(2) The economic transformation occurring in Central and Eastern Europe is a result of efforts to replace the stagnant command economies of the region with market economies in close cooperation with the West.

(3) Western nations should assist in this economic transformation through an economic and technical assistance program that uses Western technology and private direct investment to promote market mechanisms.

(4) Some countries in the region have adopted confidence building measures to encourage greater direct private sector investment, as evidenced by—

(A) lowering National budget deficits by proposed spending reductions of up to 25 percent in the coming year by Poland, Hungary, and Czechoslovakia;

(B) the notification to Moscow by Hungary and Czechoslovakia of their intention to demand the complete withdrawal of Soviet troops from their respective territories;

(C) the removal of pledges of fealty to the Communist Party from military service oaths by Hungary, Czechoslovakia, and Romania;

(D) proposals from Poland, Hungary, and Czechoslovakia to end the Council for Mutual Economic Assistance (COMECON), in order to integrate their economies into the West;

(E) promises by some Warsaw Pact members to remove all Soviet intelligence agents within their borders;

(F) the apparent reduction in the military threat from the Warsaw Pact through the end of the "Brezhnev Doctrine" of forceful intervention to maintain communist regimes hostile to the West; and

(G) the expressed willingness by some members of the Warsaw Pact to negotiate technology security agreements on Western terms, including the enactment of national legislation to harmonize obligations by the recipient country.

SEC. 3. DECLARATION OF POLICY.

(a) PROMOTION OF DEMOCRATIZATION.—It is the policy of the United States Government to promote democratization in Central and Eastern Europe through development of the

private sector and the introduction of free market mechanisms.

(b) REDUCTION OF SOVIET CAPABILITIES.—It is the policy of the United States Government to recognize the confidence building measures undertaken by those countries in Central and Eastern Europe to reduce significantly the Soviet military and intelligence capabilities within their borders and thereby eliminate the threat to the security interests of the West.

(c) NEGOTIATIONS.—It is the policy of the United States Government to initiate negotiations within the group known as the Coordinating Committee (hereinafter referred to as the "Committee") to enhance exports to those countries in Central and Eastern Europe—

(1) that have made the transition from a communist form of government to a democratic form of government based on Western values and institutions, and

(2) that demonstrate they are taking appropriate steps to protect against the diversion of Western technology, including the removal of Soviet intelligence agents from within their borders.

SEC. 4. MEASURES FOR EXPORT ENHANCEMENT.

Section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) is amended by adding at the end the following:

"(r) EXPORT ENHANCEMENT.—The President shall take the following steps to implement an investment and export enhancement regime for participating countries of Central and Eastern Europe that have made the transition from a Communist form of government to a democratic form of government based on Western values and institutions, and that demonstrate they are taking appropriate steps to protect against diversion of Western technology, including the removal of Soviet intelligence agents from within their borders:

"(1) ESTABLISHMENT OF AN EXPORT ENHANCEMENT DIFFERENTIAL.—

"(A) The President shall instruct the Secretary of State, in conjunction with the Secretaries of Commerce and Defense and other appropriate agencies, to seek the approval of the Committee for the removal of controls on shipments of goods or technologies to countries that meet the criteria specified in this subsection which are at a level that does not exceed the level to which exports to the People's Republic of China require only notification of the governments participating in the Committee.

"(B) Upon obtaining such approval, the President shall instruct the Secretaries of State, Commerce, and Defense to take such steps as are necessary to implement such level of control within the context of United States law and regulation.

"(C) Exports which exceed the levels of technology permitted to the People's Republic of China that require only notification to the Committee shall be processed on a case-by-case basis with the proper referral to the Committee. Favorable consideration of applications shall be presumed if they meet the following criteria:

"(i) the end-user is a legitimate civil or commercial entity;

"(ii) the proposed export is reasonable and appropriate in quantity and quality for the stated civil or commercial end use;

"(iii) the civil or commercial application is well established in the West and there is no clearly identified direct military application for the proposed export product in Soviet bloc or United States military systems;

"(iv) the risk of diversion is inherently limited by the function of the equipment, random on-site inspection, adequate computer use logs or software access controls, or Western participation in the management or operation of the application; and

"(v) the proposed export is subject to government-to-government assurances, where applicable and appropriate, under the technology transfer procedures agreed to by the Committee.

"(2) CUSTOMS-TO-CUSTOMS AGREEMENTS.—The President shall instruct the United States Customs Service, in coordination with the Department of State, to initiate the negotiation of government-to-government Customs Memoranda of Understanding (MOUs) with those countries meeting the criteria in this subsection, which, among other things, provide for a mutual assistance agreement to prevent and investigate breaches of United States Customs laws, and which provide the legal basis for officials of the United States Customs Service to request assistance from the participating governments.

"(3) EXPORT ENHANCEMENT SECURITY AGREEMENTS.—The President shall instruct the Secretary of State, in conjunction with the Secretaries of Commerce and Defense, to initiate negotiations with those countries meeting the criteria in section 3(c) to conclude bilateral technology transfer safeguard agreements containing the appropriate principles approved by the Committee including, but not limited to, requirements for import certificates and delivery verification documents, prelicense and postshipment checks, reexport provisions, and enforcement cooperation.".

SEC. 5. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report describing the initial steps taken by the United States Government to implement the provisions of the amendment made by section 4.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. MITCHELL, Mr. BYRD, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. ADAMS, Mr. BINGAMAN, Mr. DODD, Mr. GORE, Mr. INOUYE, Mr. KERREY, Ms. MIKULSKI, Mr. SIMON, and Mr. STEVENS):

S. 2114. A bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION ACT

● Mr. KENNEDY. Mr. President, today Senator HATFIELD and I are introducing the Excellence in Math, Science, and Engineering Education Act of 1990. Joining us as cosponsors of this bill are Senator MITCHELL, Senator BYRD, Senator PELL, Senator GLENN, Senator ROCKEFELLER, Senator ADAMS, Senator BINGAMAN, Senator DODD, Senator GORE, Senator INOUYE, Senator KERREY, Senator MIKULSKI, Senator SIMON, and Senator STEVENS.

The goal of this legislation is to make American students first in the world in math, science, and engineering achievement by the year 2000. The national education crisis is especially severe in these subjects. The Excellence in Math, Science, and Engineering Education [EMSEE] Act will help us begin to meet that challenge and restore America's competitive position in the world economy.

Since the Second World War, the United States has been preeminent in basic scientific research and in the practical inventions that stem from that research, from semiconductors to computers and from color TV to video recorders. In most technical fields, American scientists and engineers have set the pace—at least until recent years.

Today, however, our foreign competitors are able to build higher quality products at lower cost. Japanese and German engineers translate American inventions into commercial products that increasingly dominate the global marketplace. Their businesses reap vast profits from innovations, and those profits are used to buy up American industry and real estate.

Our current problems stem in large part from our underinvestment in human resources, which are the ultimate source of the Nation's strength and creativity. As a consequence, American students regularly finish last in comparisons with their counterparts in other industrial countries.

Four-fifths of elementary school mathematics teachers are not fully qualified to teach math and two-thirds of elementary school science teachers are not fully qualified to teach science. A third of U.S. high schools offer no physics course, and many others offer no chemistry course. Even where the courses are offered, the results are not encouraging. In a recent survey of 13 countries, U.S. high school seniors ranked 9th in advanced physics; 11th in advanced chemistry; and dead last in advanced biology.

At the college level, the situation is equally bleak. Less than 1 percent of last year's freshman class planned to major in math, compared with 4 percent, 20 years ago. Currently only 5 percent of United States undergraduates earn bachelor of science degrees—compared to 20 percent in Japan and 37 percent in Germany. In U.S. graduate schools, 50 percent of the engineering doctorate degrees are earned by foreign students.

Unfortunate as the situation is today, demographic trends suggest greater problems in the future. The National Science Foundation estimates that the Nation will face a shortage of as many as 675,000 scien-

tists and engineers by the year 2006. And the Science Adviser to the President, Dr. Allan Bromley, has estimated that we face a shortfall of 2 million qualified technicians by the year 2000.

We must draw many more students into these fields, especially women and minorities. Encouraging their education in these areas is no longer just a matter of equity; it is essential to maintaining U.S. competitiveness in the global economy.

And in this post-cold-war era, international economic competition is the cornerstone of national influence. The fundamental changes taking place in the world require a basic shift in national priorities. The real currency of the global economy is computerized, high-technology information; and the key to economic success is the ability to use that information to innovate, manufacture, and market new products and services. To do so effectively requires a highly educated, technically trained workforce and citizens who are scientifically literate.

America's competitive challenge and educational shortcomings are not due to any intrinsic defects in our resources, capabilities, or character. We have what it takes to turn the situation around. It is entirely within our power to alter national priorities, make far-sighted decisions, and re-establish our educational excellence and economic pre-eminence.

Our proposed legislation can be a significant first step toward making America first again. The bill launches a number of demonstration programs to encourage State and local governments and the private sector to increase overall scientific and technical literacy; expand the supply of scientists and engineers; upgrade technologist education and training; and increase the participation of women and minorities in these fields.

To accomplish these purposes, the bill contains the following principal provisions:

First, a national institute for technology and learning to develop new ways to improve teaching through the application of advanced technology;

Second, 10 region consortiums to bring government, educators, business, and community groups together in improving elementary and secondary schools within the region;

Third, space exploration and other hands-on, interactive projects in museums and science centers to stimulate students' interest in these fields;

Fourth, bootstrap grants to upgrade science departments at geographically dispersed colleges;

Fifth, industrywise technology training consortiums to upgrade technicians' skills; and

Sixth, women and minority visiting role models to stimulate students' interest in pursuing these subjects.

The bill authorizes $125 million for these provisions in fiscal year 1991, and "such sums as may be necessary" for each of the following fiscal years through the year 2000.

We intend to circulate this measure widely among the scientific, technical, educational, and professional communities, to draw in business, labor, and community leaders, and through their assistance make this bill a strong start on the path to a new era of national preeminence.

At the dawn of the 20th century, Albert Einstein made one of the greatest leaps of human imagination, when he discovered that matter could be transformed into energy. His simple formula—e=mc squared—led to the recognition that a quart of water could unleash as much energy as 750 million gallons of gasoline.

We believe that this bill can become an educational e=mc squared for math, science, and engineering education. We believe that the energy it unleashes—among students and teachers, and scientists, engineers, and technicians—will spark a resurgence of excellence in these disciplines and revise American leadership.

The Senate Committee on Labor and Human Resources will begin hearings on this bill later this month, and we hope to bring it before the full Senate early this spring.

Mr. President, I ask unanimous consent to insert in the RECORD at this point: First, a summary of the bill; second, a summary of the bill's authorization of appropriations; third, a program description of the Apple Valley Science and Technology Center, which is an excellent example of the kind of grass roots innovation in informal math/science education which the bill is seeking to foster; and fourth, the full text of the bill.

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

S. 2114

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 "Excellence in Mathematics, Science, and Engineering Education Act of 1990".

TITLE I—NATIONAL GOAL AND POLICY FOR MATHEMATICS, SCIENCE, ENGINEERING, AND TECHNOLOGY EDUCATION

SEC. 101. FINDINGS AND OBJECTIVES.

(a) FINDINGS.—The Congress finds that—

(1) America's competitive position in the global economy is eroding;

(2) restoring America's competitive position requires substantially increased productivity and innovation in American business enterprises;

(3) both productivity and innovation depend to a great extent on advances in science and technology and on the successful commercial application of such advances in science and technology;

(4) progress on a host of national problems, from national security and energy sources to health care and environmental quality, also depends on advances in science and technology and the effective incorporation of such advances in science and technology in the economy and society at large;

(5) advances in science and technology depend, in large part, on the quantity and quality of the Nation's mathematicians, scientists, engineers, and technologists;

(6) in addition, commercialization of scientific and technical advances requires a scientifically and technically literate workforce and a sufficiently large and well-trained supply of technologists;

(7) projections by the National Science Foundation estimate a shortage of up to 675,000 scientists and engineers by the year 2006;

(8) the Science Adviser to the President has estimated a shortage of 2,000,000 technicians by the year 2000;

(9) by the year 2000, the Nation must produce an additional 300,000 mathematics, science, and engineering teachers;

(10) currently 60,000 teachers in these fields are not fully qualified;

(11) virtually all comparisons of the United States and United States competitors show that American students lag significantly behind foreign counterparts in mathematics, science, and technology;

(12) women and minority groups are significantly under-represented in the fields of mathematics, science, and engineering in proportion to the numbers of women and most minority groups in the overall population; and

(13) America can meet its critical needs in the fields of mathematics, science, and engineering, only by significantly increasing the participation of women and minorities in mathematics, science, and engineering.

(b) NATIONAL OBJECTIVES.—The Congress, as a consequence of the findings described in subsection (a), declares that it shall be a national objective to—

(1) have American students rank first in the world in scientific and technical literacy;

(2) increase the number of graduates with degrees in mathematics, science and engineering;

(3) increase the number of well-trained technologists in the workforce;

(4) increase the number of women and minorities pursuing careers in mathematics, science, and engineering; and

(5) upgrade the Nation's educational and career training systems to achieve the foregoing four objectives.

SEC. 102. DECLARATION OF POLICY AND PRINCIPLES.

(a) POLICY.—The Congress declares that it shall be the policy of the United States to—

(1) consider the talents of all of its citizens as its most valuable national resource;

(2) consider Federal expenditures necessary to facilitate the education, training, and retraining of such talent as an essential investment in the Nation's future;

(3) set and achieve a minimum standard of scientific and technical literacy for the American public;

(4) recognize the special value to the Nation of, and meet the special requirements for, educating and training sufficient numbers of mathematicians, scientists, engineers, and technologists; and

(5) devote the necessary resources to stimulate and foster the substantially increased participation of women and minorities in mathematics, science, and engineering.

(b) PRINCIPLES.—The Congress further declares that the policies described in subsection (a) shall be implemented in accordance with the following principles:

(1) The strength of the American educational system stems from the system's grounding in local communities, the diversity of educational approaches employed in the various States, the voluntary participation of the private sector, and informal education through public television, museums, and other community programs.

(2) The implementation of the policies set forth in subsection (a) shall be accomplished, whenever appropriate, through the creation of consortiums consisting of relevant Federal, State, and local government agencies and laboratories, local school districts, universities, community colleges, museums and other nonprofit organizations, and private business firms.

(3) The appropriate role of the Federal Government is limited to—

(A) encouraging the development of, and adherence to, standards of educational excellence;

(B) sponsoring educational research, development, and demonstration, and the widespread dissemination of the results thereof; and

(C) stimulating State and local government, the educational community, museums and other nonprofit organizations, and private business firms, though leveraged matching funds, campaigns for corporate donations, and other such mechanisms, to contribute their full potential to the education process.

(4) In order for the Federal Government to carry out its role more effectively, the Federal Government shall ensure the improved exchange of information and coordination among the National Science Foundation, the Departments of Education, Energy, and Defense, the National Aeronautics and Space Administration, and any other Federal agencies that have mathematics, science, and technology education programs.

(5) It shall be a priority of the Congress to adequately fund existing programs in mathematics and science education in the Department of Education, the National Science Foundation, and other Federal Departments and agencies.

SEC. 103. NATIONAL GOALS FOR THE YEAR 2000.

(a) DECADE DESIGNATION.—The Congress declares that the period from January 1, 1990 through December 31, 1999, shall be designated as the "Decade of Excellence in American Mathematics, Science, and Engineering Education".

(b) PARAMOUNT NATIONAL GOAL.—The Congress declares that it shall be a paramount national goal of the United States to achieve the objectives set forth in section 101(b) by the beginning of the year 2000.

(c) ASSESSMENT AND ACHIEVEMENT.—(1) In order to assess progress toward, and achievement of, the goal set forth in subsection (b) of this section, the National Science Foundation, in consultation with the Department of Education, and with the approval of the Science Adviser to the President, shall—

(A) set forth the objectives described in section 101(b) in sufficient detail so that such objectives provide for—

(i) acceptable standards of public literacy in mathematics, science, and technology,

(ii) the professional development of sufficient numbers of mathematicians, scientists, engineers, and technologists,

(iii) the attraction and retention of sufficient numbers of fully qualified teachers in the fields of mathematics, science and engineering, and

(iv) greater participation of women and minorities in the fields of mathematics, science and engineering;

(B) develop, promulgate, and employ appropriate criteria, guidelines, indicators, and measurement tools to assess the extent of the Nation's achievement of said objectives;

(C) collect relevant statistics and other necessary data throughout the decade described in section 103(a), and analyze such information to assess progress toward the goal set forth in subsection (b);

(D) sponsor a major international survey in 1999, to indicate whether American students, from kindergarten through 12th grade, have significantly improved their academic performance by surpassing foreign counterparts in competitive nations in knowledge and understanding of mathematics, science, and technology;

(E) provide a final report to the President and the Congress on March 31, 2000, which summarizes the information assembled under subparagraphs (C) and (D) of this subsection and which provides a comprehensive assessment of the extent to which said national goal has been achieved by the year 2000.

(2) The objectives described in paragraph (1)(A) shall be set forth in a manner in which such objectives can be measured or reasonably estimated.

TITLE II—SCIENTIFIC AND TECHNICAL LITERACY OF THE GENERAL PUBLIC

SEC. 201. SHORT TITLE.

This title may be cited as the "Scientific and Technical Literacy Act of 1990".

PART A—NATIONAL RESEARCH AND DISSEMINATION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION

SEC. 210. NATIONAL INSTITUTE OF TECHNOLOGY AND LEARNING.

(a) INSTITUTE ESTABLISHED.—There is established within the Smithsonian Institution the National Institute for Technology and Learning (hereafter in this part referred to as the "Institute"), which shall conduct interdisciplinary research on the processes by which individuals learn and the ways in which advanced technologies can be utilized to facilitate such processes.

(b) INTERDISCIPLINARY RESEARCH.—The interdisciplinary research conducted pursuant to subsection (a) shall utilize state-of-the-art developments in advanced technologies and research findings in all relevant fields, including the cognitive sciences, computer science, communications technology, information storage and retrieval, and audio-visual technologies.

(c) COMPOSITION.—The Institute shall consist of—

(1) a Director appointed by the Secretary of the Smithsonian;

(2) the Technology and Learning Advisory Panel established under subsection (d); and

(3) such professional and support staff as are appointed by the Director as necessary to conduct the research program described in subsection (b) of this section.

(d) ADVISORY PANEL.—(1) There is established within the Institute a Technology and Learning Advisory Panel (hereafter in this part referred to as the "Panel") which shall advise the Director on the planning, conduct, and evaluation of the Institute's research programs.

(2) The Panel shall consist of 11 members, including—

(A) three ex-officio members as follows:

(i) the Director of the Congressional Office of Technology Assessment,

(ii) the Assistant Director for Science and Engineering Education of the National Science Foundation, and

(iii) the Assistant Secretary of Educational Research and Improvement of the Department of Education, and

(B) 8 public members appointed by the Secretary of the Smithsonian Institution chosen, in consultation with the Director of the National Science Foundation and the Secretary of the Department of Education, so as to reflect a broad range of relevant disciplines and fields.

(3) The Panel shall elect a chairman from among its members.

(4) The Panel's 8 public members shall serve 3-year staggered terms.

(5) Members of the Panel who are not in regular full-time employ of the United States shall receive, while engaged in the business of the Panel, compensation for service at the rate for grade GS-15 set forth in section 5332 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed in Government service.

(e) PUBLICATION.—The Institute shall publish the results of the research conducted pursuant to subsection (a) and shall make such results promptly available to the Department of Education, the National Science Foundation, and the National Clearinghouse for Mathematics, Science, and Technology Education established under section 211.

SEC. 211. NATIONAL CLEARINGHOUSE FOR SCIENCE, MATHEMATICS, AND TECHNOLOGY EDUCATION.

(a) CLEARINGHOUSE AUTHORIZED.—(1) The Secretary, in consultation with the Director, is authorized to award a grant or contract to establish a National Clearinghouse for Science, Mathematics, and Technology Education (hereinafter referred to as the "Clearinghouse").

(2) The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

(b) USE OF FUNDS.—

(1) The grant or contract awarded under this section shall be used to—

(A) maintain a permanent repository of precollege science, mathematics, and technology education instruction materials and programs for use by the Regional Consortiums established under part B of this title and the public;

(B) maintain a permanent repository of all precollege science, mathematics, and technology education instruction materials and programs developed with Federal and non-Federal funds, including, but not limited to, such instructional materials developed by the National Science Foundation, the Department of Education and State and National Eisenhower mathematics and science programs;

(C) compile information on all mathematics, science, and technology education programs administered by each Federal agency or department;

(D) cooperate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, Federal and non-Federal, in carrying out the functions under this title; and

(E) disseminate information regarding such mathematics, science, and technology education materials and programs among identifiable and existing dissemination networks and to the Regional Consortiums established under part B of this title through a single on-line computer database that can be readily accessed and utilized, publications and other media.

(2) The Clearinghouse shall employ both traditional and current technological methods for storing, retrieving, and disseminating educational materials to the Regional Consortiums established under part B of this title and the public.

(3) The Clearinghouse shall expend one-third of the funds appropriated pursuant to this section on the dissemination of materials to the Regional Consortiums.

(c) PROGRAMS AND MATERIALS.—Each Federal agency or department which has supported or supports the development of a mathematics, science, or technology education instruction material or program, including the National Science Foundation and the Department of Education, shall submit to the Clearinghouse a sufficient number of copies of such material or program for the Clearinghouse and each Regional Consortium.

(d) SELECTION CRITERIA.—The Secretary shall establish a peer review process to select the recipient of the award under this Act.

(e) APPLICATION.—Each entity desiring to establish and operate the Clearinghouse authorized in subsection (a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(f) STEERING COMMITTEE.—The Secretary shall appoint a steering committee composed of representatives of the National Science Foundation and Department of Education to recommend policies and activities for the Clearinghouse.

PART B—REGIONAL SCIENCE, MATHEMATICS, AND TECHNOLOGY EDUCATIONAL PROGRAMS

SEC. 220. REGIONAL SCIENCE, MATHEMATICS, AND TECHNOLOGY EDUCATION CONSORTIUMS.

(a) SHORT TITLE.—This section may be cited as the "Regional Science, Mathematics, and Technology Consortium Act of 1990".

(b) PROGRAM ESTABLISHED.—(1) The Secretary of Education (hereinafter referred to as the "Secretary"), in consultation with the Director of the National Science Foundation (hereinafter referred to as the "Director"), is authorized to award grants to eligible entities to establish and operate regional science, mathematics, and technology education consortiums (hereafter referred to as the "Regional Consortiums") for the purpose of disseminating and implementing exemplary science, mathematics and technology education instruction materials, teaching methods and assessment tools for use by elementary and secondary school students.

(2) The Secretary shall, in accordance with the provisions of this section, award 1 grant to an eligible entity in each region.

(3) To the maximum extent possible, the Secretary and the Director shall jointly carry out the provisions of this section.

(4) Grants under this title shall be awarded for a period of not more than 5 years and shall be reviewed no later than 30 months from the date the grant is awarded. Grants shall be awarded no later than 12 months from date of enactment of this Act.

(5) In making grants under this section, the Secretary shall assure that there is a relatively equal distribution among the regions of the funds made available, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "eligible entity" means—

(A) a private nonprofit organization;

(B) an institution of post-secondary education;

(C) a public agency;

(D) an interstate agency established by compact;

(E) a State or local educational agency;

(F) a regional educational laboratory and the research and development center established under section 405(d)(4)(A) of the General Education Provisions Act;

(G) a professional scientific or mathematics association;

(H) an educational association;

(I) a museum or science technology center;

(J) a library;

(K) an educational television station;

(L) historically black colleges; or

(M) a combination of the entities set forth in paragraphs (1) through (12);

(2) the term "region" means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act; and

(3) the term "regional consortium" means a regional science, mathematics, and technology education consortium established pursuant to section 211(a).

(c) USE OF FUNDS.—Funds provided under this section shall be used by the Regional Consortiums, under the direction of a regional board, to—

(1) identify, adapt, disseminate, and implement mathematics, science, and technology education instruction materials, teaching methods and assessment tools for use by elementary and secondary school students;

(2) train classroom teachers and administrators in the use of mathematics, science, and technology education instruction materials, teaching methods and assessment tools;

(3) qualify classroom teachers to train other teachers in the use of such instruction materials, teaching methods and assessment tools in the classroom;

(4) work with classroom teachers in the identification and adaptation of such instruction materials, teaching methods and assessment tools for use in classrooms within the region;

(5) assist classroom teachers, where appropriate, in securing training to enhance such teacher's subject knowledge and teaching skills in the areas of science, mathematics, and technology education;

(6) offer fellowships, internships, or summer programs to enable teachers to participate in the activities of the Regional Consortiums;

(7) disseminate information regarding informal science, mathematics, and technology education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

(8) evaluate the effectiveness of instruction materials, teaching methods and assessment tools in elementary and secondary schools located throughout the region;

(9) collect data on activities assisted under this section in order to evaluate the effectiveness of the activities of the Regional Consortiums;

(10) maintain on-line computer networks with all Regional Consortiums and the National Clearinghouse established in section 212;

(11) assist local and State educators in identifying science and technology equipment needs; and

(12) establish programs and activities designed to meet the needs of groups that are under-represented in, and underserved by, mathematics, science, and technology education.

(d) APPLICATION AND REVIEW.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary, in consultation with the Director, may reasonably require. Each such application shall—

(A) demonstrate that the eligible entity shall implement and disseminate mathematics, science, and technology education instruction materials, teaching methods and assessment tools through a consortium of the region's mathematics, science, and technology education organizations and agencies;

(B) demonstrate that the eligible entity shall carry out the functions of the regional consortium at the direction of a regional board;

(C) describe the activities for which assistance is sought;

(D) demonstrate the capability to properly and effectively implement and disseminate science, mathematics, and technology education instruction materials, teaching methods, and assessment tools; and

(E) provide assurances that emphasis will be given to programs and activities designed to meet the needs of groups that are under-represented in, and underserved by, mathematics, science, and technology education.

(e) APPROVAL OF APPLICATION.—(1) The Secretary, in consultation with the Director, shall approve applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

(2) The Secretary and the Director shall jointly develop procedures and criteria designed to ensure that grants are awarded on a competitive, merit basis as determined by the peer review process described in paragraph (3).

(3) The Secretary, in consultation with the Director, shall establish for each region a panel which shall conduct the technical review of the applications from such region for grants under this section and submit its recommendation to the Secretary and Director. The Secretary and Director shall each appoint one-half of the members of each panel, who, to the extent feasible, shall reside in the region for which applications are being considered. Each panel shall include representatives of mathematics, science and technology education and teaching; State and local education agencies; post-secondary education community; informal education community; practicing scientists, engineers, and mathematicians; the business community; and groups that are underrepresented in, and underserved by, mathematics, science, and technology education.

(4) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to review the recommendation made by each regional technical review panel and submit

to the Secretary and Director final recommendations for awards of grants under this section. The Secretary and the Director shall each appoint one half of the members of such panel or panels.

(f) REGIONAL BOARDS.—Each eligible entity receiving a grant under this section shall establish a regional board to oversee the administration and establishment of program priorities for the Regional Consortium established by such eligible entity. Such regional board shall include at least one representative of each agency or organization participating in the regional consortium, and if not represented on the consortium, at least one representative of—

(1) State education agencies;

(2) local education agencies, including representatives of large, small, urban, and rural school districts;

(3) teachers;

(4) institutions of post-secondary education including science and mathematics educators;

(5) the business community;

(6) professional scientific, engineering, and mathematics associations;

(7) parents;

(8) informal education organizations;

(9) regional education laboratories; and

(10) groups that are underrepresented in, and underserved by, mathematics, science, and technology education.

(g) PAYMENTS: FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) The Secretary shall pay to each eligible entity having an application approved under subsection (d) of this section the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for the first, second, and third fiscal years in which an eligible entity receives assistance shall be 75 percent;

(B) for the fourth such year shall be 60 percent;

(C) for the fifth and each succeeding such year shall be 50 percent.

(3)(A) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including facilities, overhead, equipment, or services. Such non-Federal share may also include funds received by State and local education agencies from Federal mathematics, science, and technology education programs.

(B) Each eligible entity having an application approved under subsection (e) of this section shall pay the non-Federal share in accordance with the following requirements:

(i) At least 10 percent of the cost of activities described in the application shall be furnished by business concerns within the region.

(ii) At least 10 percent of the cost of activities described in the application shall be furnished by local education agencies in the region and a majority of the States in the region.

(iii) The balance of the cost of activities described in the application of the non-Federal share may be furnished by members of the regional consortium, institutions of higher education, professional scientific and mathematics associations, philanthropies, or other public and private agencies, institutions or organizations.

(h) EVALUATION.—Each eligible entity receiving a grant under this section shall collect sufficient data on, and evaluate the effectiveness of, the programs conducted at the Regional Consortiums. At the end of each grant period, the Secretary and the Director shall submit to Congress a report on the effectiveness of the programs conducted at each Regional Consortium.

(i) ADMINISTRATIVE COSTS.—The Secretary shall make available to the Director 1 percent of the funds appropriated under this section for administrative costs.

SEC. 221. ROVING MASTER TEACHERS IN MATHEMATICS AND SCIENCE.

(a) FINDINGS.—The Congress finds that—

(1) four-fifths of elementary school mathematics teachers are not fully qualified to teach mathematics;

(2) two-thirds of elementary school science teachers are not fully qualified to teach science; and

(3) the significant shortage in elementary school science and mathematics teachers will take many years to overcome because of the long-lead time involved in educating and recruiting sufficient numbers of fully qualified teachers in such fields, even when in-service training programs are utilized to the maximum extent feasible.

(b) STATEMENT OF PURPOSE.—It is the purpose of this section to establish a program of Roving Master Teachers in mathematics and science to provide students in schools which lack fully qualified mathematics and science teachers with exposure to high quality instruction in such subjects, in order to awaken student interest in such subjects and encourage the students to persist in their studies and seek additional exposure to such subjects through the types of informal educational programs set forth in part D of this title.

(c) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to States to enable States to conduct programs of Roving Master Teachers in mathematics and science.

(d) APPLICATION.—Each State desiring a grant pursuant to this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) PROGRAM REQUIREMENTS.—(1) Each State receiving funds under this section shall use such funds to—

(A) retain highly qualified mathematics and science teachers, as Roving Master Teachers in mathematics and science, who will allocate their time among a number of elementary and middle schools throughout the State;

(B) conduct special classes in mathematics and science at each school the Roving Master Teacher visits in which the Roving Master Teacher utilizes experiments, demonstrations, audiovisual displays, and other appropriate techniques in order to stimulate the students' interest in the excitement of mathematics and science and such subjects' relevance to various occupations and careers, and to acquaint the students with informal educational programs and available educational materials through which the students can pursue mathematics and science interests further; and

(C) conduct periodic workshops at each school the Roving Master Teacher visits with the school's mathematics and science teachers to—

(i) instruct teachers in ways such teachers can best followup on the instruction of the Roving Master Teacher; and

(ii) discuss any special teaching problems or opportunities the teachers may have encountered.

(2) Each State receiving funds under this section shall select its Roving Master Teachers in accordance with—

(A) the objective of providing women and minority teachers as role models to the extent feasible, and

(B) such criteria as the Secretary shall prescribe after consultation with the Director.

SEC. 222. REGIONAL MATHEMATICS, SCIENCE, AND TECHNOLOGY ACADEMIES.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to assist in exploring and planning the establishment of regional mathematics, science, and technology residential academies throughout the Nation. It is the purpose of such regional mathematics, science, and technology residential academies to create educational environments within the various regions of the Nation in which talented students in mathematics, science, and technology can have the opportunity to develop their talents to their full potential.

(b) DEFINITIONS.—For the purpose of this section, the term "regional mathematics, science, and technology academy" means a public school for grades 7 through 12 where students—

(1) receive advanced, high quality scientific and technical equipment and instruments;

(2) participate in a wide range of mathematics, science, and technology honors courses, as well as receive high quality instruction in languages, the social sciences, and the humanities; and

(3) undergo a competitive examination and personal interview for admittance to the academy.

(c) ELIGIBLE ENTITY.—For the purposes of this section the term "eligible entity" means—

(1) State and local educational agencies; and

(2) consortiums of State and local educational agencies with other organizations.

(d) PROGRAM AUTHORIZED.—(1) The Secretary is authorized to provide grants to assist eligible entities in planning, but not operating, regional mathematics, science, and technology academies.

(2) In the first year in which an eligible entity receives a grant under this section, such grant may not exceed $50,000.

(3) An eligible entity may receive a second initiation grant, not to exceed $50,000, if such eligible entity demonstrates to the Secretary—

(A) significant progress in planning the academy has been achieved; and

(B) the need for the additional planning funds before the academy can raise permanent financial support from regional sources.

(e) AWARD BASIS.—The Secretary shall award grants on the basis of—

(1) the degree of commitment to the success of the academy on the part of State and local governments, universities, private foundations, nonprofit organizations, community groups, private business firms, and citizens within the region;

(2) the overall excellence of the proposed academy program;

(3) the likelihood of attracting a highly talented student body to the school; and

(4) the degree to which the proposed program is likely to involve the significant participation of female and minority students in the academy.

(f) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary in such manner, and accompanied by such information as the Secretary may reasonably require.

PART C—INFORMAL MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION PROGRAMS

SEC. 230. ESTABLISHMENT OF DIVISION OF INFORMAL MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION.

Section 8 of the National Science Foundation Act of 1950 is amended—

(1) by striking "There" and inserting "(a) There";

(2) by inserting "Directorates and" before "Divisions"; and

(3) by inserting at the end thereof the following:

"(b)(1) There shall be within the Foundation, a Directorate of Science and Engineering Education.

"(2) There shall be within the Directorate of Science and Engineering Education a Division of Informal Mathematics, Science, and Technology Education.".

SEC. 231. FELLOWSHIPS AND GRANTS FOR PROFESSIONAL ENHANCEMENT, COMMUNITY EXTENSION, AND INNOVATION IN INFORMAL EDUCATION.

(a) PROGRAM AUTHORIZED.—(1) The Director, through the Division of Informal Mathematics, Science, and Technology Education, is authorized to—

(A) award fellowships pursuant to subsection (b), and

(B) make grants to conduct professional enhancement activities pursuant to subsection (c),

in order to increase the pool of experienced and talented informal science education professionals and consultants and foster the involvement of such individuals in local science and technology education programs and services.

(2) Fellowships and grants awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

(b) FELLOWSHIPS.—The Director shall award fellowships to—

(1) persons educated in one or more scientific, engineering, or educational disciplines to enable such persons to work with experienced informal science education professionals and to learn techniques of applying science concepts to hands-on interactive learning and educational programs;

(2) informal science education personnel, upon recommendation of the institution where such individuals work, for participation in exchange, intern, or professional development programs; and

(3) consulting scientists, exhibit designers, and program developers to work with informal science education institutions and programs on scientific project or program development activities.

(c) PROFESSIONAL ENHANCEMENT AWARDS.—The Director shall award grants to private, nonprofit, informal science education organizations to conduct field-wide professional enhancement seminars, workshops, mentor partnerships, programs, and exhibit development projects.

(d) APPLICATION.—Each individual or organization desiring a fellowship or grant under this section shall submit an application to the Director at such time in such manner and accompanied by such information as the Director may reasonably require.

SEC. 232. COMMUNITY EXTENSION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director, through the Division of Informal Mathematics, Science, and Technology Education, is authorized to carry out a merit-based program of awarding grants to private, nonprofit informal science education organizations in partnership with community organizations, such as public libraries, churches, youth organizations, and professional societies to make available interactive science exhibits and programs for rural and urban, economically disadvantaged population centers.

(b) APPLICATION.—Each partnership desiring a grant pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 233. INNOVATION GRANTS.

(a) IN GENERAL.—The Director, through the Division of Informal Mathematics, Science, and Technology Education, is authorized to carry out a program of awarding grants to private, nonprofit organizations for the development of innovative activities or programs to serve as models for replication. Such grants shall be awarded to—

(1) develop intergenerational projects to train senior citizen volunteers in the implementation of interactive science processes and activities for use by elementary and secondary students;

(2) develop an interactive activity or program for use by elementary and secondary students involving—

(A) global environmental education; and

(B) health science;

(3) establish a Science Start model program to adapt and disseminate early childhood science instruction materials for use in Head Start classrooms or by prekindergarten children;

(4) establish partnerships between elementary and secondary school teachers and college and university scientists and mathematicians for in-service training; and

(5) develop a program to use new and emerging technologies to enhance the teaching and learning or mathematics or science in elementary and secondary schools.

(b) MATCHING REQUIREMENTS.—Grants awarded under this section shall be awarded through a system requiring matching of the Federal grant. The minimum amount required as a match shall be equal to a percentage of the grant that is determined by the Director. Funds made available may include in-kind services or resources, fairly evaluated.

(c) APPLICATION.—Each organization desiring a grant pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 234. SCIENCE AND TECHNOLOGY CENTERS AND MUSEUMS.

(a) PROGRAM AUTHORIZED.—(1) The Director, through the Division of Informal Mathematics, Science, and Technology Education, shall make grants to science and technology museums and centers to enable such museums and centers to carry out programs and activities to—

(A) develop more effective hands-on, interactive science and technology programs;

(B) make the activities of such museums and centers more widely available throughout the surrounding communities; and

(C) disseminate the programs of such museums and centers to other museums and centers.

(2) Grants awarded pursuant to paragraph (1) shall be awarded on a competitive, merit basis.

(b) RECIPIENT SELECTION.—The Director shall establish a peer review process to select recipients of grants pursuant to this section on the basis of—

(1) the potential for the program of the museum or center to have a significant impact on both formal and informal science education inside and outside the region served by the museum or center;

(2) the capability of the museum or center to provide broad dissemination of the materials to other institutions;

(3) the capability of the museum or center to implement the program effectively;

(4) the extent to which the activities undertaken by the museum or center will address the needs of women and minorities which have been traditionally underrepresented in science and engineering;

(5) the involvement in, and commitment to, the museum or center program by members of the local community, including local schools, colleges, universities, community groups, and private industry;

(6) the capability and willingness of the science museum or center to work directly and cooperatively with local schools, colleges, and universities;

(7) the extent of funds acquired by the museum or center for the project from sources other than the Federal Government;

(8) the experience and qualifications of the staff; and

(9) the general excellence of the proposed program.

(c) APPLICATION.—Each museum or center desiring a grant pursuant to this section, shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may request.

(d) SPECIAL CONSIDERATION.—The Director shall take appropriate steps to ensure that the particular needs of newly created and developing science museums are accorded special consideration in the awarding of grants under this section.

SEC. 235. PUBLIC TELEVISION PROGRAMS IN SCIENCE AND TECHNOLOGY.

(a) PROGRAM AUTHORIZED.—(1) The Director, through the Division of Informal Mathematics, Science, and Technology Education, shall make grants to, or enter into contracts or cooperative agreements with, organizations involved in science, technology, education, or television production, including colleges and universities, State and local educational agencies, publishers, scientific, technical, and professional associations, science and technology museums and centers, research and development organizations, print or electronic media organizations, foundations, and private firms, for the development of public television programs designed to stimulate the interest and understanding of the public in science and technology.

(2) Grants made pursuant to paragraph (1) shall be awarded on a competitive merit basis.

(b) PREFERENCE.—In awarding grants under this section, the Director shall give preference to organizations whose programs provide for utilizing women and minority mathematicians, scientists, and engineers as role models.

(c) SPECIAL RULE.—Grants awarded in fiscal years 1991, 1992, and 1993 shall focus on the development of television programs oriented toward technology.

(d) GRANT AGREEMENT.—Each entity awarded a grant from, or entering into a contract or cooperative agreement with, the Director pursuant to this section shall enter into an agreement with the Director. Each such agreement shall require the individual

receiving a grant from, or entering into a contract with, the Director to take whatever steps are necessary to promote the widespread dissemination of the television programs produced pursuant to subsection (a).

PART D—SCIENCE AND SPACE EXPLORATION EDUCATION

SEC. 240. SCIENCE AND SPACE EXPLORATION EDUCATION PROGRAM.

(a) SHORT TITLE.—This part may be cited as the "Science and Space Exploration Education Act of 1990".

(b) STATEMENT OF PURPOSE.—It is the purpose of this section to establish a Program of Science and Space Exploration Education to utilize the excitement of space exploration as a stimulus to students in grades 1 through 12 to develop their interest in, and enthusiasm for, the study of mathematics, science, and technology.

(c) PROGRAM ESTABLISHED.—(1) The Director, through the Directorate of Science and Engineering Education, is authorized to establish a program of awarding grants to, and entering into contracts and cooperative agreements with, State and local educational agencies, nonprofit institutions, organizations, associations involved with science, technology, education, or space exploration, and with private business firms to—

(A) develop innovative formal educational materials relating to space exploration in order to stimulate and deepen the interest of elementary and secondary school students in mathematics, science, and technology; and

(B) develop innovative informal educational materials relating to space exploration for use in museums, science, and technology centers, and community programs in order to stimulate and deepen the interest of students in mathematics, science, and technology.

(2) The program described in paragraph (1) shall be developed in consultation and cooperation with the National Aeronautics and Space Administration.

(d) INFORMATION.—The Director shall provide information regarding the educational materials developed pursuant to subsection (b) to the National Clearinghouse established under section 211 (hereafter in this section referred to as the "Clearinghouse"). The Clearinghouse shall disseminate such information to the Regional Consortiums established under section 220 and to other interested public and private entities.

(e) EDUCATIONAL DONATIONS.—(1) From the information provided to the Clearinghouse pursuant to subsection (c), the Clearinghouse shall prepare a descriptive listing of the specific kinds of scientific and technical facilities, equipment, instrumentation, and tools which could be useful to elementary and secondary schools and to museums and science and technology centers for educational purposes.

(2) The Clearinghouse shall widely disseminate the descriptive listing described in paragraph (1) to relevant Federal, State, and local government organizations, nonprofit research and development organizations, and private business firms in order to solicit donations of facilities, equipment, instrumentation, or tools to schools, museums, and science and technology centers. Such descriptive listing shall be periodically updated.

(3) From responses received to the solicitations made pursuant to paragraph (2), the Clearinghouse shall prepare a descriptive listing of items available for donation and provide such listing to the Regional Consortiums established under section 220.

(4) The Regional Consortiums shall widely disseminate the listing described in paragraph (3) to schools, museums, and science and technology centers that have a need for such items, and shall assist in the coordination of the donations of specific items to schools, museums, and technology centers.

(f) APPLICATION.—Each entity desiring financial assistance pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 241. SCIENCE AND SPACE EXPLORATION EDUCATION PROJECT AWARDS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to conduct an annual national competition to provide recognition to teams of students for exceptional science and space exploration education projects.

(b) PROGRAM AUTHORIZED.—(1) The Director, through the Directorate of Science and Engineering Education, is authorized to establish and annually conduct a competition in which students or teams of students from grades 9 through 12 throughout the Nation may compete for awards which recognize exceptional science and space exploration projects.

(2) The competition described in paragraph (1) shall be conducted in consultation and cooperation with the National Aeronautics and Space Administration.

(3)(A) The Director shall each year award a first prize of $5,000 to the best project in the Nation, a second prize of $3,000 shall be awarded to the second best project, and a third prize of $2,000 shall be awarded for the third best project.

(B) The 3 student teams winning the prizes described in subparagraph (A), along with their faculty advisors, shall be given an all expense paid trip to the John F. Kennedy Space Center at Cape Canaveral where they will witness the launch of the Space Shuttle as special guests of the National Aeronautics and Space Administration.

(C) The Director shall award an Honorable Mention Certificate for any project in any State that is deserving of such recognition.

(c) COUNCIL OF SCIENCE AND SPACE EXPLORATION.—(1) The competition described in subsection (b) shall be judged by a Council on Science and Space Exploration Education consisting of 15 members of which—

(A) 5 shall be appointed by the Secretary of Education,

(B) 5 shall be appointed by the Director of the National Science Foundation, and

(C) 5 shall be appointed by the Administrator of the National Aeronautics and Space Administration.

(2) The Council shall elect a chairman and vice chairman elected from among its members.

(3) The Director shall provide administrative support to the Council.

(4) Members of the Council shall neither receive a salary nor reimbursement for expenses (including travel expenses) for service as a member of the Council.

(d) APPLICATION.—Each student or team desiring to compete for an award pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

TITLE III—EDUCATION OF SCIENTISTS AND ENGINEERS

SEC. 301. SHORT TITLE.

This title may be cited as the "Scientists and Engineers Education Act of 1990".

SEC. 302. ESTABLISHMENT OF A DIVISION OF UNDERGRADUATE MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION.

(a) AMENDMENT TO THE NATIONAL SCIENCE FOUNDATION ACT OF 1950.—Section 8 of the National Science Foundation Act of 1950 (as amended in section 230) is further amended by inserting at the end thereof the following new paragraph:

"(3) There shall be within the Directorate of Science and Engineering Education a Division of Undergraduate Mathematics, Science and Engineering Education.".

PART A—UNDERGRADUATE PROGRAMS

SEC. 310. COMMUNITY COLLEGE/UNIVERSITY 2/4 PARTNERSHIP.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to increase the number of community college students who continue their education at 4-year academic institutions in pursuit of bachelor degrees in mathematics, science, engineering, or technology.

(b) OUTREACH GRANTS.—(1) The Director shall make outreach grants to community colleges to enable community colleges to negotiate the establishment of partnerships with nearby 4-year academic institutions.

(2) Each grant awarded pursuant to paragraph (1) may not exceed $25,000.

(c) DEFINITIONS.—For the purpose of this section—

(1) the term "4-year academic institution" means colleges, universities, and institutes of technology, that award bachelor degrees in mathematics, science, or engineering, or a 4-year technology degree; and

(2) the term "eligible partnership" means a community college which has received an outreach grant pursuant to subsection (b) in partnership with at least one but not more than four 4-year academic institutions.

(d) 2/4 PARTNERSHIP GRANTS.—(1) The Director is authorized to make grants to eligible partnerships to assist community colleges and 4-year academic institutions in transitioning students from community colleges to 4-year academic institutions to enable such students to achieve bachelor degrees in mathematics, science, engineering or technology.

(2) Each eligible partnership receiving a grant under this section shall allocate such grant funds equally between the community college and the 4-year academic institution participating in the partnership.

(3) Grants made pursuant to paragraph (1) shall be awarded on a competitive, merit basis.

(4) Grants made pursuant to paragraph (1) shall be for a period of 1 year and are renewable for a period not to exceed 5 years.

(e) GRANT REQUIREMENTS.—Each eligible partnership receiving a grant under this section shall—

(1) examine the community college's curriculum to ensure that academic credit earned at the community college will be transferable to the 4-year academic institution;

(2) brief teachers from the community college on the specific requirements of courses at the 4-year academic institution when necessary to facilitate curriculum compatibility between the two institutions;

(3) facilitate the admittance and expedite academic credit transfers of students matriculating from the community college to the 4-year academic institution;

(4) provide special counseling for students to encourage and facilitate student transfers from community colleges to the 4-year aca-

demic institution, including counseling targeted at women and minority students;

(5) conduct workshops at the community college to acquaint students with the opportunities, requirements, available financial aid, and ambiance of the 4-year academic institution;

(6) provide special tours and orientation visits to the facilities of the 4-year academic institution for students from the community college, including the opportunity to observe laboratory demonstrations and experiments, and experience some hand-on interaction with the equipment and instrumentation;

(7) provide special summer programs for students from the community college to encourage such student's subsequent matriculation at the 4-year academic institution; and

(8) provide special ongoing counseling for any graduates of the community college who have matriculated at the 4-year academic institution.

(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Director shall ensure an equitable geographic distribution of such grants.

(g) APPLICATION.—Each community college or eligible partnership desiring a grant pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 311. DEPARTMENTAL BOOTSTRAP GRANTS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to strengthen teaching in the departments of mathematics, the sciences, and engineering at colleges and universities which are not currently advanced in such fields.

(b) PROGRAM AUTHORIZED.—(1) The Director, through the Division of Undergraduate Mathematics, Science and Engineering Education is authorized to award grants to colleges and universities to strengthen a particular department of mathematics, science, or engineering within such college or university.

(2) Grants awarded to each college or university pursuant to paragraph (1) may be awarded for a period not to exceed 5 years.

(3) Grants awarded pursuant to paragraph (1) may be renewed for a period not to exceed 5 years if the Director determines—

(A) the college or university has made excellent progress in strengthening the particular department of mathematics, science, or engineering; and

(B) the awarding of additional funds offers significant promise of further strengthening the department.

(4) Grants awarded pursuant to paragraph (1) shall not be used for the purchase of equipment or instruments, or to defray the overhead expenses of the college or university.

(5) In awarding grants pursuant to paragraph (1), the Director shall ensure an equitable geographic distribution of such grants.

(c) SELECTION CRITERIA.—The Director shall establish a peer review process to select recipients of grants pursuant to this section on the basis of—

(1) the extent to which the proposal has addressed critical training issues in a comprehensive fashion;

(2) the potential for the proposed program to have a significant impact on the recruitment and retention of undergraduate students into mathematics, science, and engineering degree programs;

(3) the evidence that the program will significantly improve the learning environment for undergraduate students;

(4) the evidence that the program will encourage and reward excellent teachers of undergraduate students;

(5) the compatibility of the program to develop improved teaching materials and curricula;

(6) evidence that senior faculty will devote a substantial portion of their time to teaching undergraduate students;

(7) the extent to which women and underrepresented minority students are likely to be involved in the program; and

(8) the general excellence of the proposed program.

(d) SPECIAL RULE.—The Director may award grants to not more than two different departments within the same institution if the strengthening of one of the departments cannot readily be accomplished without accompanying strengthening of the other.

(e) APPLICATION.—Each college or university desiring a grant pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 312. PRESIDENTIAL AWARDS FOR EXCELLENCE IN COLLEGE TEACHING.

(a) AWARDS AUTHORIZED.—(1) The President is authorized to make not more than 55 Presidential Awards for Excellence in Teaching Undergraduate Mathematics, Science, Engineering, or Technology to undergraduate college or university teachers who have demonstrated outstanding ability and dedication to teaching undergraduate students.

(2) The President shall not make more than one award pursuant to paragraph (1) in each State in any one year.

(b) AMOUNT OF AWARD.—Each recipient of an award pursuant to paragraph (1) shall be provided with a Teaching Excellence Award of $1,000.

SEC. 313. NATIONAL MATHEMATICS-SCIENCE TEACHER CORPS.

(a) SHORT TITLE.—This section may be cited as the "National Mathematics-Science Teacher Corps Act of 1990".

(b) ESTABLISHMENT OF PROGRAM.—The Director is authorized to make awards to students enrolled in a baccalaureate degree program in science, mathematics, or engineering who are willing to commit themselves to teach elementary or secondary science or mathematics as provided in this section.

(c) ELIGIBILITY.—Awards under this section shall only be made to students who are—

(1) majoring in science, mathematics, or engineering;

(2) in the last 2 years of a baccalaureate degree program; and

(3) enrolled in an institution of higher education which is accredited by a nationally recognized accrediting agency or association.

(d) CRITERIA FOR SELECTION.—Students shall be selected to receive awards under this section primarily on the basis of academic merit, with consideration given to financial need and to the goal of promoting the participation in elementary and secondary science and mathematics teaching of minorities, women, and individuals with disabilities.

(e) AMOUNT OF AWARD.—(1) Awards under this section shall be $7,500 per year. Except as provided in paragraph (2) of this subsection, a student may receive a maximum of 2 awards under this section.

(2) An individual may receive a maximum of 3 awards under this section if such individual has completed requirements for the baccalaureate degree but requires additional credits in education courses in order to obtain certification to teach.

(f) GRANT AGREEMENT.—(1) Each individual receiving an award under this section shall enter into an agreement with the Director. Each such agreement shall require the individual to complete, within 6 years after graduation from the baccalaureate degree program for which the award was made, at least 2 years of service as an elementary or secondary science or mathematics teacher for each award received. Service required under this section shall be performed at a school receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

(2) This section shall not apply with respect to more than 2 awards made to any individual under this section.

(g) FAILURE TO COMPLETE SERVICE OBLIGATION.—(1) If an individual who has received an award under this section—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the baccalaureate degree program for which the award was made before the completion of such program;

(D) declares that he does not intend to fulfill his service obligation under this section; or

(E) fails to fulfill his service obligation under this section,

such individual shall be liable to the United States as provided in subsection (b).

(2)(A) If a circumstance described in paragraph (1), (A), (B), (C), or (D) occurs before the completion of one year of a service obligation under this section, the United States shall be entitled to recover from the individual, within one year after the date of the occurrence of such circumstance, an amount equal to—

(i) the total amount of awards received by such individual under this section; plus

(ii) the interest on such amounts which would be payable if at the time the amounts were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

(B) If a circumstance described in paragraph (1) (A), (B), (C), or (D) occurs after the completion of one year of a service obligation under this section, but before the completion of the second year of such service obligation, the United States shall be entitled to recover from the individual, within one year after the date of the occurrence of such circumstance, an amount equal to—

(i) the total amount of awards received by such individual under this section minus $3,750; plus

(ii) the interest on such amounts which would be payable if at the time the amounts were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

(C) If a circumstance described in paragraph (1) (A), (B), (C), or (D) of this subsection occurs after the completion of 2 years of a service obligation under this section, but before the completion of the third year

of such service obligation, the United States shall be entitled to recover from the individual, within one year after the date of the occurrence of such circumstance, an amount equal to—

(i) the total amount of awards received by such individual under this section minus $7,500; plus

(ii) the interest on such amounts which would be payable if at the time the amounts were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

(D) If a circumstance described in paragraph (1) (A), (B), (C), or (D) of this subsection occurs after the completion of 3 years of a service obligation under this section, but before the completion of the fourth year of such service obligation, the United States shall be entitled to recover from the individual, within one year after the date of the occurrence of such circumstance, an amount equal to—

(i) the total amount of awards received by such individual under this section minus $11,250; plus

(ii) the interest on such amounts which would be payable if at the time the amounts were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

(3)(A) The Director may provide for the partial or total waiver or suspension of any service obligation or payment by an individual under this section whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(B) Any obligation of an individual under this section for payment under paragraph (2) may be released by a discharge in bankruptcy under title 11, United States Code, only if such discharge is granted after the expiration of the 5-year period beginning on the first date that such payment is required.

PART B—GRADUATE FELLOWSHIPS

SEC. 320. INCREASE IN NATIONAL SCIENCE FOUNDATION GRADUATE FELLOWSHIPS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this part to help avert the projected, significant shortage in American scientists and engineers.

(b) GRADUATE FELLOWSHIPS.—Section 10 of the National Science Foundation Act of 1950 is amended—

(1) by striking "The Foundation" and inserting "(a) The Foundation";

(2) in the second sentence by striking "or nationals" and inserting ", nationals or lawfully admitted permanent resident aliens"; and

(3) by inserting the following at the end thereof: "(b) The Director of the National Science Foundation shall, to the maximum extent practicable, increase the number of graduate fellowships awarded by the Foundation in fiscal year 1991 to approximately double the number of such fellowships awarded in fiscal year 1987.

"(c) WOMEN AND MINORITY STUDENTS.—To the extent practicable, the Director shall ensure that an increasing number of fellowships awarded in each fiscal year pursuant to subsection (b) shall be awarded to women and minority students.".

TITLE IV—TECHNOLOGY EDUCATION AND TRAINING

SEC. 401. SHORT TITLE.

This title may be cited as the "Technology Education and Training Act of 1990".

SEC. 402. TECHNOLOGY AND EDUCATION.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to—

(1) introduce secondary school students to modern technology, thereby enabling such students to function more effectively in the technological society in which they will live; and

(2) motivate and prepare an increasing number of secondary school students to pursue higher education courses leading to careers as engineers or technologists.

(b) PROGRAMS AUTHORIZED.—The Director is authorized to establish a High School Technology Curriculum Development Program under which the Director shall—

(1) make grants to, or enter into contracts or cooperative agreements with, appropriate institutions or organizations for the purpose of developing a comprehensive curriculum for secondary school level technology courses aimed at introducing the students, including women and minority students, to modern technology;

(2) make grants to, or enter into contracts or cooperative agreements with, appropriate institutions and organizations to develop a comprehensive curriculum for secondary school level advanced technology courses, including appropriate hands-on interaction with representative processes, techniques, equipment, instruments, and tools involved in engineering and technology to introduce students, including women and minority students, to the possibility of careers as engineers or technologists;

(c) PROGRAM REQUIREMENTS.—The Director shall—

(1) provide the results of the curriculum development activities conducted under paragraphs (1) and (2) of subsection (b) to the National Clearinghouse established under section 312; and

(2) provide the necessary technical assistance and funds to the National Clearinghouse established under section 312 for the widespread dissemination of the results of such curriculum development activities throughout the Nation's school districts.

(d) APPLICATION.—Each institution or organization desiring financial assistance pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 403. COLLEGE AND COMPANY TECHNOLOGY PARTNERSHIPS.

(a) SHORT TITLE.—This section may be cited as the "College and Company Technology Partnership Act of 1990".

(b) PROGRAM AUTHORIZED.—The Director, through the Division of Undergraduate Mathematics, Science, and Engineering Education, is authorized to make grants to, and enter into contracts or cooperative agreements with, eligible partnerships to carry out the activities described in subsection (d) in accordance with the provisions of this section.

(c) ELIGIBLE PARTNERSHIP.—For the purpose of this section the term "eligible partnership" means 4-year colleges of engineering or technology and/or 2-year community colleges in partnership with a private company or companies.

(d) PARTNERSHIP ACTIVITIES.—Each eligible partnership receiving a grant or entering into a contract or cooperative agreement pursuant to the provisions of this section shall engage in one or more of the following activities:

(1) The company and its educational partner shall sponsor student work-study programs in which students spend part of their time in paid, supervised work in the partner company, for which the student shall receive appropriate academic credit.

(2) The company shall participate in a continuing, cooperative effort with their educational partner to develop realistic curriculums that are relevant to state-of-the-art conditions, techniques, processes, practices, and equipment in the particular industries and technologies in which the company is involved.

(3) The company shall make available qualified personnel to teach full-time for limited periods, or on a part-time basis, in the educational institution involved in the partnership.

(4) The company shall keep informed of the needs of its educational partner for equipment, instrumentation, and tools relating to the technologies involved in the partnership, and to the extent practicable, make donations or long-term loans of such equipment, instrumentation, and tools to the educational partner.

(e) APPLICATION.—Each college or institution desiring financial assistance pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 404. TECHNOLOGY TRAINING CONSORTIUMS.

(a) SHORT TITLE.—This section may be cited as the "Technology Training Consortium Act of 1990".

(b) STATEMENT OF PURPOSE.—It is the purpose of this section is to stimulate the private sector toward increasing American productivity, American competitiveness, and the American standard of living by strengthening the skills of the American workforce in utilizing advanced technologies and techniques, and stimulating the establishment of technology training consortiums of companies operating within the same industry or utilizing the same technologies.

(c) OFFICE ESTABLISHED.—The Department of Labor, within its Employment and Training Administration, shall establish or designate an Office of Technology Training Consortiums.

(d) PROGRAM AUTHORIZED.—(1) The Secretary of Labor, through the office established pursuant to subsection (c), is authorized to—

(A) make planning grants to companies to plan for the establishment of consortia; and

(B) pay the Federal share of startup grants to newly established consortia to pay the costs of the consortium's initial organization.

(2) For the purpose of paragraph (1)(B) the Federal share shall not exceed 50 percent.

(3) In awarding grants pursuant to paragraph (1), the Secretary shall give preference to consortia which—

(A) encourage the participation of women and minorities in their training programs; and

(B) provide an opportunity for membership in the consortium for small business firms and large firms that are not technologically advanced.

(e) PROGRAM REQUIREMENTS.—Each consortium receiving a grant pursuant to this section shall—

(1) consist of two or more companies operating within the same industry or utilizing the same technology or technologies; and

(2) develop, sponsor, or administer training and retraining programs to enable technologists and other workers, especially non-

supervisory workers and first line supervisors in both manufacturing and service industries, to function more effectively with new technologies, practices, and related changes in work organization in the relevant industries and technical fields.

(f) MEMBERSHIP FEE AND ACCOUNTING PROCEDURES.—Each consortium receiving a grant under this section shall—

(1) establish an account for each member of the consortium;

(2) assess the account of each member of the consortium an initial membership fee according to the size of the workforce of the individual member;

(3) annually assess the account of each member of the consortium a training cost contribution based on the company's estimate of how much training the consortium will provide to the employees of such company during such year; and

(4) credit and debit the account of each member of the consortium to the extent that the employees of such member participate in the consortium's training programs.

(g) SPECIAL RULE.—In the event that an employee who had participated in consortium training voluntarily leaves the employ of one company within the consortium for employment with another company within the same consortium, the consortium shall assess the account of the subsequent employer of such individual the cost of such training in accordance with the following schedule:

(1) 80 percent of the cost of such training if the employee voluntarily leaves within 1 year of completing such training;

(2) 50 percent of the cost of such training if the employee voluntarily leaves within 2 years of completing such training; and

(3) 25 percent of the cost of such training if the employee voluntarily leaves within 3 years of completing such training.

(h) APPLICATION TO ANTITRUST LAWS.—In any action under the antitrust laws, as set forth in section 1(a) of the Act of October 15, 1914 (38 Stat. 730, ch. 323; 15 U.S.C. 12) popularly known as the "Clayton Act" and in section 5 of the Act of September 26, 1914 (38 Stat. 719, ch. 311; 15 U.S.C. 45), popularly known as the "Federal Trade Commission Act", the conduct of any person in making or performing a contract to establish, organize, administer, or participate in the programs of a consortium established pursuant to this section shall not be deemed illegal per se, but such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition.

TITLE V—WOMEN AND MINORITIES IN MATHEMATICS, SCIENCE, AND ENGINEERING

SEC. 501. SHORT TITLE.

This title may be cited as the "Women and Minorities in Mathematics, Science, and Engineering Education Act of 1990".

PART A—WOMEN AND MINORITY ROLE MODELS IN MATHEMATICS, SCIENCE, ENGINEERING, AND TECHNOLOGY

SEC. 510. EXEMPLARY VISITING PROFESSIONAL FELLOWSHIPS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to establish a visiting professional fellowship program for exemplary visiting women and minority professionals in mathematics, science, engineering, and technology to provide role models in mathematics, science, engineering, and technology for young female and minority students in grades 7 through 12 in accordance with provisions of this section.

(b) PROGRAM AUTHORIZED.—The Director is authorized to award fellowships to exemplary women and minority professionals in mathematics, science, engineering, or technology to enable such individuals to serve as role models for young female and minority students in grades 7 through 12.

(c) FELLOWSHIP PERIOD.—Each fellowship awarded pursuant to this section shall be used by exemplary women and minority professionals in mathematics, science, engineering, and technology during the period such individual serves as a role model in mathematics, science, engineering, or technology for young females and minority students in grades 7 through 12.

(d) STIPEND AND EXPENSES.—Each fellowship awarded pursuant to this section shall include—

(1) a stipend, and

(2) the expenses to the recipient of the fellowship for traveling among a circuit of middle and high schools and conducting workshops, giving lectures and demonstrations, and providing counseling to teachers and students in such schools for the purpose of stimulating the interest of young female and minority students in mathematics, science, engineering, and technology and in the possibility of pursuing careers in such fields.

(e) AWARD BASIS.—Each fellowship awarded pursuant to this section shall be awarded on a merit basis and through a peer review process.

(f) ROLE MODEL ACTIVITIES.—The recipients of the fellowships under this section shall arrange their role model activities in consultation with the appropriate State educational agencies and shall conduct their role model activities in accordance with such regulations as the Director shall prescribe.

(g) APPLICATION.—Each individual desiring a fellowship pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 511. DISTINGUISHED VISITING PROFESSORS.

(a) PROGRAM AUTHORIZED.—The Director is authorized to make grants to distinguished women and minority faculty members in mathematics, science, or engineering to enable such faculty members to serve as distinguished visiting professors at academic institutions which do not have sufficient resources to attract and retain faculty members of such professional stature on a permanent basis.

(b) PROGRAM REQUIREMENTS.—Each distinguished visiting faculty member receiving an award under subsection (a) shall serve for a period not to exceed one academic year as a visiting faculty member at—

(1) a women's college;

(2) a historically black college;

(3) a college with a predominantly Hispanic student body; or

(4) any college or university which does not have sufficient resources to attract and retain such distinguished faculty members on a permanent basis.

(c) STIPEND.—Each recipient of a grant awarded under subsection (b) of this section shall receive a stipend equal to such recipient's academic salary for the academic year preceding the academic year for which the grant is awarded plus any necessary relocation expenses.

(d) SELECTION.—Each grant awarded pursuant to this section shall be awarded on a merit basis and through a peer review process.

(e) GRANT AGREEMENT.—Each individual receiving a grant under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the grant recipient will be able to obtain a leave of absence from such individual's employer to enable such individual to become a distinguished visiting professor.

PART B—UNDERGRADUATE FELLOWSHIPS AND MINORITY COLLEGE-UNIVERSITY PARTNERSHIPS

SEC. 520. UNDERGRADUATE FELLOWSHIPS IN MATHEMATICS, SCIENCE, AND ENGINEERING FOR WOMEN AND MINORITY STUDENTS.

(a) PROGRAM AUTHORIZED.—(1) The Director shall award undergraduate fellowships for the study of mathematics, science, and engineering to women and minority students in accordance with the provisions of this section.

(2) Each fellowship awarded the recipients pursuant to this section shall be awarded on a competitive, merit basis.

(b) USE OF FUNDS.—Fellowships awarded under subsection (a) may only be used during the period the recipient is pursuing undergraduate study at an accredited institution of higher education.

(c) APPLICATION.—Each individual desiring a fellowship pursuant to this section shall submit an application to the Director at such time, in such manner and accompanied by such information as the Director may reasonably request.

SEC. 521. MINORITY COLLEGE-UNIVERSITY PARTNERSHIPS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this program to expose the mathematics, science, engineering, and technology students from minority colleges to the facilities, programs, and instruction available at research universities, and, to the extent practicable, to enable such students to use such facilities, programs, and instruction.

(b) PARTNERSHIPS AUTHORIZED.—The Director, through the Division of Undergraduate Science, Engineering and Mathematics Education, is authorized to make grants to—

(1) minority colleges to enable such colleges to establish one eligible partnership; and

(2) eligible partnerships to enable such eligible partnerships to meet the purpose described in subsection (a).

(c) APPLICATION.—Each minority college or eligible partnership desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall contain assurances that—

(1) the research university will assist the minority college in reorienting its curriculum to enable minority college students to take maximum advantage of the university's programs;

(2) the research university will permit minority college students with the requisite academic preparation to take courses at the research university which utilize advanced facilities, equipment, or curriculum not available at the minority college;

(3) the research university will enable qualified minority college students to participate in research experiences at the research university not available at the minority college;

(4) the research university will conduct special summer programs oriented toward students from the minority college; and

(5) the research university and the minority college will jointly develop and conduct such transitional programs as may be desirable to enable students at the minority college to be adequately prepared to take maximum advantage of the activities at the research university.

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

(1) the term "eligible partnership" means a partnership between a minority college and a research university;

(2) the term "minority college" means a college or university with a predominantly minority student body, including, but not limited to, historically black colleges; and

(3) the term "research university" means a research oriented university or institute of technology which awards doctor of philosophy or doctor of science degrees in mathematics, computer sciences, or a variety of science and engineering fields.

TITLE VI—GENERAL PROVISIONS AND AUTHORIZATION OF APPROPRIATIONS

PART A—EVALUATION PROGRAMS

SEC. 601. DEPARTMENT OF EDUCATION EVALUATION PROGRAM.

The Secretary shall conduct evaluations of all of the programs, activities, and responsibilities of the Secretary under this Act and shall report the findings from such evaluations to the Congress on September 30, 1995, and September 30, 2000.

SEC. 602. DEPARTMENT OF LABOR EVALUATION PROGRAM.

The Secretary of Labor shall conduct evaluations of all of the programs, activities, and responsibilities of the Secretary of Labor under this Act and shall report the findings from such evaluation to the Congress on September 30, 1995 and September 30, 2000.

SEC. 603. NATIONAL SCIENCE FOUNDATION EVALUATION PROGRAM.

The Director shall conduct evaluations of all of the programs, activities, and responsibilities of the Director under this Act and shall report the findings from such evaluations to the Congress on September 30, 1995 and September 30, 2000.

PART B—DEFINITIONS

SEC. 610. DEFINITIONS.

As used in this Act—

(1) the term "accredited academic institution" means [to be supplied];

(2) the term "bootstrap grant" refers to a federally funded effort to upgrade and coordinate a course of study at the departmental level of a college or university, which will have a major impact on the participating students and faculty;

(3) the term "community college" refers to two-year, junior, and technical colleges;

(4) the term "consortium", unless otherwise specified, refers to a combination of school districts, colleges, universities, other formal or informal educational entities, State and local governments, professional organizations, community groups, businesses and industries, or any combination thereof;

(5) the term "Director" shall refer to the Director of the National Science Foundation;

(6) the term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965;

(7) the term "Foundation" refers to the National Science Foundation;

(8) the term "informal education" refers to educational activities, materials, exhibits, and demonstrations which may be used to supplement or enhance specific curriculum in the classroom or which may be used outside the classroom in voluntary or recreational settings;

(9) the term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965;

(10) the term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(11) the term "minorities" refers to members of those racial and ethnic groups underrepresented in mathematics, science, and engineering including, American Indians, black Americans, Hispanic Americans, Native Alaskans, or Native Pacific Islanders.

(12) the term "residential science academies" refers to educational institutions where students reside for various periods of time, which concentrate on science, mathematics, and engineering education for students of grades 7 through 12;

(13) the term "roving master teacher" shall refer to teachers who specialize in science and mathematics and who travel from one school to another teaching specialized classes in science and mathematics to elementary and middle school children;

(14) the term "scholarship" refers to a financial award made to a student which enables a student to pursue a desired course of study at the college level;

(15) the term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965;

(16) the term "Secretary", unless otherwise specified, shall refer to the Secretary of the Department of Education;

(17) the term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "undergraduate" refers to those courses or students in the first four years of college.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 620. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTION 103.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 103.

(b) SECTION 210.—There are authorized to be appropriated $3,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 210.

(c) SECTION 211.—There are authorized to be appropriated $3,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 211.

(d) SECTION 220.—There are authorized to be appropriated $15,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 220.

(e) SECTION 221.—There are authorized to be appropriated $7,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 221.

(f) SECTION 222.—There are authorized to be appropriated $2,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 222.

(g) SECTIONS 231, 232, and 233.—There are authorized to be appropriated $7,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of sections 231, 232, and 233.

(h) SECTIONS 234 AND 235.—There are authorized to be appropriated $7,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of sections 234 and 235, of which not more than $2,000,000 shall be available to carry out the provisions of section 235.

(i) SECTIONS 240 AND 241.—There are authorized to be appropriated $2,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of sections 240 and 241.

(j) SECTIONS 310, 311, and 312.—There are authorized to be appropriated $12,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of sections 310, 311, and 312.

(k) SECTION 313.—There are authorized to be appropriated $2,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 313.

(l) SECTION 320.—There are authorized to be appropriated $20,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 320.

(m) SECTION 402.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 402.

(n) SECTION 403.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 403.

(o) SECTION 404.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 404.

(p) SECTIONS 510 AND 511.—There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of sections 510 and 511.

(q) SECTION 520.—There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 520.

(r) SECTION 521.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the provisions of section 521.

SEC. 621. AVAILABILITY OF APPROPRIATIONS.

Appropriations made pursuant to section 620 shall remain available until expended.

SUMMARY OF EMSEE—EXCELLENCE IN MATH, SCIENCE, AND ENGINEERING EDUCATION ACT OF 1990

General: This bill designates the 1990s as the Decade of Excellence in Math, Science, and Engineering Education, with the goal of making American students first in the world by the Year 2000. Title I sets forth national objectives and policies for achieving them. Title II upgrades the scientific and technical literacy of the general public. Title III strengthens the professional development of scientists and engineers. Title IV stimulates the education, training, and retraining of technologists. Title V increases the participation of women and minorities in math, science, and engineering. Title IV provides for continuing evaluation of the specific programs in the Act, and authorizes a total of $125 million for FY1991, and such sums as may be necessary for an additional nine years through FY2000.

Title I: This title declares national objectives to: (a) improve public scientific and technical literacy; (b) increase the supply of scientists, engineers, and technologists; and (c) increase the participation of women and minorities in math, science, and engineering. This title limits the federal role to: (a) encouraging standards of educational excellence; (b) sponsoring educational R&D, demonstration, and dissemination; and (c) stimulating State and local agencies, nonprofit organizations and associations, and private business firms to contribute their full potential to the education process. This title authorizes $5 million for data gathering and analysis to assess progress toward the Year 2000 Goal.

Title II: This title authorizes $46 million for improving the scientific and technical literacy of the general public, including: $6 million for research and dissemination; $24 million for regional demonstration programs; and $16 million for informal educational demonstration programs. This title ($6 million) establishes a National Institute for Technology and Learning and a National Clearinghouse for Science, Math, and Technology Education. The $24 million for regional programs include: (a) the establishment of regional science, math, and technology consortiums for enhancing education in elementary and secondary schools. Planning grants are provided to States for establishing math, science, and technology academies (grades 7-12). And demonstration grants are provided to States to provide for Roving Master Teachers in these fields in grades K-9. The informal education programs ($16 million) include: (a) various measures to stimulate informal education in museums, science and technology centers, and other community activities; (b) the use of the space program to stimulate students' interest in math, science, and technology; and (c) public TV programs oriented toward technology.

Title III: This title authorizes $34 million to increase the Nation's production of scientists and engineers, including (a) a $20 million increase in NSF's graduate fellowships and (b) $14 million for undergraduate demonstration programs. These would provide seed grants to stimulate the formation of 2/4 Partnerships between community colleges and 4-year institutions, aimed at increasing the number of community college graduates who continue their education in 4-year institutions. Departmental Bootstrap Grants would be provided to strengthen specific departments in colleges and universities which do not currently have strong programs in math, science, and engineering. The Presidential Awards for Teaching Excellence would be expanded from the current recipients in grades K-12, to include provision for awards to college teachers in math, science, and engineering. And scholarships would be provided for college juniors and seniors who pledge to spend several years as school teachers.

Title IV: This title provides $15 million to stimulate the education, training, and retraining of the Nation's technologists. $5 million is authorized for the development of two, new innovative courses in general technology and advanced technology suitable for study in grades 9-12. $5 million is authorized for demonstration projects to stimulate the establishment of partnerships between companies and 4-year engineering/technology institutions and 2-year community colleges. Through these partnerships, the company will aid the academic institution in strengthening its teaching in these fields and in making its educational program more practical and relevant to the needs of industry and the surrounding community. And $5 million is authorized for demonstration projects to stimulate the establishment of Technology Training Consortiums. These provide planning and start-up grants to companies to establish technologists in the technologies relevant to particular industries.

Title V: This title authorizes $25 million to stimulate the increased participation of women and minorities in math, science, and engineering. $10 million is authorized for a program of Visiting Role Model Professionals to stimulate the interest in math, science, and technology of young women and minority students in grades 9-16. $10 million is authorized for undergraduate fellowships for women and minorities in these fields. And $5 million is authorized for the creation of partnerships between minority colleges and research universities.

Title VI: This title requires evaluation and reporting to Congress by the Department of Education, the National Science Foundation, and the Department of Labor with regard to the programs of this Act for which they are respectively responsible. This title also contains definitions and the actual authorization amounts for the various programs set forth in the Act. Specific amounts are authorized to be appropriated for each program for FY1991, and such sums as may be necessary for the next nine years through the Year 2000.

EMSEE AUTHORIZATION SUMMARY

[All items in millions of dollars for fiscal year 1991]

Title I National Goal and Policy	
Surveying Progress toward Year the 2000 Goal	$5
Title II Scientific & Technical Literacy of General Public	
Part A—National Educational Research and Dissemination	46
National Institute for Technology & Learning	
National Clearinghouse (S. 1950, Title II)	
Part B—Regional Education Programs	24
Regional Consortia (S. 1950, Title I)	15
Roving Master Teachers in Math & Science (K-9)	7
Regional M/S/T Academies (G 7-23)	2
Part C—Informal Educational Programs	16
Informal Education Enhancement (S. 1950, Title 3)	7
Science & Technology Museums & Centers (H.R. 3154)	7
Science & Space Exploration Education (S. 1442)	2
Title III Education of Scientists & Engineers	34
Part A—Undergraduate Programs	14
Community College University 2/4 Partnerships	12
Departmental Bootstrap Grants	
Presidential Awards for Excellent College Teaching	
Undergraduate Scholarships/Teaching Pledge (S. 843)	2
Part B—Increase in NSF Graduate Fellowships	20
Title IV Technology Education and Training	$15
Technology Course Development (Grades 9-12)	5
College/Company Technology Partnerships	5
Technology Training Consortiums	5
Title V Women & Minorities in Math, Science & Engineering	25
Women and Minority Role Models	10
Distinguished Visiting Professionals (Grades 9-12)	
Distinguished Visiting Professors (college level)	
Undergraduate Fellowships	10
Minority College-Research University Partnerships	5
Total fiscal year 1991 authorization	$125

PROGRAM DESCRIPTION

America today is faced with an educational dilemma. The number of creative-thinking young people entering fields of science is diminishing rapidly, and the number planning to teach science has dwindled to an all-time low. Our economy, however, is based on the production of new technology and the implementation of creative solutions to modern problems. We need more students in science programs. Unfortunately, the solution problems. We need more students in science programs. Unfortunately, the solution is not that simple; we are working with human beings who are allowed to make choices and to travel the career road they choose. So how does America change the direction of education? Apple Valley Unified School District has created a well-defined, highly successful solution to motivate young people in science and math education.

THE APPLE VALLEY SCIENCE AND TECHNOLOGY CENTER A PARTNERSHIP IN ACADEMIC EXCELLENCE

The Apple Valley Science and Technology Center serves the nine school districts of the High Desert of California. Located in the city of Apple Valley on the elementary campus of Mojave Mesa School, this unique 3000 square foot facility will provide highly motivational, hands-on science and math education for over 60,000 student and 2,000 teachers. Planned for completion in the late 1990, the Center is the first facility of its kind in the nation. Built without the use of tax dollars, the facility features a computer center, telecommunications center, research quality observatory, research library, teacher resource center and a T-40 Jet Flight Simulator from the United States Air Force.

Over 200 volunteers are currently being trained to work in the Center in order to allow students, teachers and the general public access sixteen hours a day, six days a week. The Apple Valley School District has allocated funds to maintain the facility with a professional staff and to cover the normal operating cost, designating the funds generated to be used directly for the benefit of children.

The Center is built on an elementary campus allowing the educator to emphasize the need for higher level thinking skills to be taught through science at the lowest grade levels. It is our contention that children, especially minority and disenfranchised children, are discouraged and "turned off" to science in the earlier school years because of the way science is taught, not by the content. Most teachers teach to the auditory and visually adapted student, students who are able to learn by seeing or listening to the teacher, by reading and memorizing their work. In fact, these children do very well in school. However, it is the inquisitive child, the child who needs to take apart and put together who has perhaps the most natural abilities in science. These children often begin losing their self-esteem early in their school career, thus forfeiting potential scientific ability and success for themselves and America. If America is going to keep its leadership in the world economy we must teach teachers and motivate our children to understand, enjoy and succeed in the world of the twenty-first century. How does each aspect of the facility accomplish this goal?

The Teacher Resource Center

Teaching science in an elementary classroom can be a difficult task, not because the information is highly technical, or the concept too weighty, but because the materials, experience and time just don't seem to be available to most teachers. The Science and Technology Center addresses this issue in a very practical way. A partnership has been established with California State University, San Bernardino, the largest teacher preparation school in Southern California. Teacher materials from NSF, (National Science Foundation), NASA, JPL (Jet Propulsion Laboratory), and the Civil Air Patrol, among others will be available to all teachers free of charge. Cal State will also offer on-going teacher in-service in computer science, use of technology in the classroom, and hands-on science for teachers and students. Materials necessary to carry out classroom experiments will be made available to teachers and students for use in classroom, mentor teachers will also be available to assist teachers to become comfortable with hands-on science.

The Computer Center

Computers have come a long way in a very short time. No longer can we afford to use them to play "teaching" games, or as a way to occupy a student's time. Computers can be a partner to students allowing quick, easy and safe simulation of experiments, a sharing of information, and collection of data. Computers can help students deal with abstract problems in very concrete ways. The computer center is designed to hold 18 computers allowing teams of students to simulate complex problems, share information, communicate with other computers and print and save important data for later use. The computer can act as a library or work in concert with a laser disk and VCR to compile interactive visual materials to share with others. When students experience the practical application of technology in their daily lives, the study of science takes on a new and wonderful meaning.

The Research Library

With the on-going support of the Assistance League of Victor Valley, the Center contains growing library of research materials pertaining to flight, aero-space, astronomy, space science and general science. These materials are available to students, teachers and the general public in the Center. The Center also contains an extensive video library on both video tape and laser disk, much of which is public domain and may be duplicated.

The Telecomunications Center

The telecommunications center is designed to allow interactive teleconferencing, television down-link and in the future up-link capabilities, as well as viewing of images projected from the observatory to the large viewing television screen. Students will be able to participate actively in debates and lectures all over the United States. Contel of California is an active partner in this program and has provided a 100 paired phone line to the Center. Using the Center's satellite dish, a broadcast from NASA in Huntsville, Alabama, for example, and a direct phone line to the location of the broadcast, would allow students to talk directly with a speaker on timely issues. In the not so distant future Contel with be providing the Center with fiber-optic phone lines allowing two way visual as well as voice transmittions. Students and teachers miles away will be able to see and talk to one another, conduct lessons, and discuss current issues. Teaching will enter an entirely new dimension.

The Observatory

The Observatory, which occupies the second floor of the Center, would be a source of pride for any major university. Equipped with a 16-inch, video-enhanced, custom-built telescope and a 5-meter dome, the Observatory will serve the amateur and professional astronomer. Teachers and students will be able to use the computer-enhanced video camera not only to project the image on the large television screen, (allowing handicapped, disabled and visually-imparied individuals to participate) but also to make photographs of the objects they are studying. Cal Poly Pomona will be conducting full credit courses in video-enhanced astronomy, in the Observatory. Students of all ages will be working at their own level with volunteers from the High Desert Astronomical Society.

The T-40 Jet Flight Simulator

The United States Air Force has, on a long term loan, given the Science and Technology Center a T-40 Jet Flight simulator. This $150,000 piece of high tech equipment has been used for years to train military pilots. Before unifying in 1987, Apple Valley School District was the first elementary school system in the nation to receive a flight simulator. Today students K-12, will be introduced to the world of aviation and to the academic skills necessary to become successful pilots. In their classrooms, students and teachers aided by the resources in the Center, will study weather, geography, map reading, math, science and language arts. They will read stories of famous pilots and read about women and minority pioneers who have advanced the field of aviation. When students have mastered the academic challenges at their grade level, they will experience the joy of flying through the watchful and trained eye of volunteer pilots, many, retired Air Force pilots who have taught in T-40 simulators.

Phase II

The second phase of the Science and Technology Center project is to take the excitement of space science to the schools. It was realized from the start that travel to the Center itself might cause problems for many of those who wished to use the facility. One way in which we address this issue is through telecommunications and networking our computers to the schools we serve. The second way in which we address this need is with the Mobile Space Station. The Apple Valley Unified School District has given to the Center a 79 passenger Crown Coach bus. With the help of Aero-Space Companies we will be permanently transforming the bus into a half-scale replica of the Space Station Lab Module. The bus will travel to all the schools served and will include a cellular phone system connecting the on-board computers to the computers at the Center. A "pull out" module on the bus will allow teachers at the school to set up a "Mission Control Center" in a classroom. Some of the students will act as astronauts and will carry out experiments on the "Space Station". Other students will take over mission control, directing the work on the space station with closed circuit television and two-way communications as well as computer interface. Students will be given problems to solve using skills developed in their classroom during extensive pre-teaching. We feel that the hands-on excitement this project brings and the motivation it encourages is educationally beneficial.

Phase III

Phase III of the project will require the building of a second facility. This facility will include a planetarium, television studio, editing rooms, satellite up-link, and support facilities. Our Partnership in Academic Excellence program is reaching out to other schools in other countries using technology to promote understanding and peace. Students in the Southern California area will develop "sister school" programs with schools in Europe, Asia, Africa, Australia, etc. After establishing strong written communication ties, children from individual classes will spend one hour per week for a semester in the television studio. Live television transmission will allow these students to work with their "sister school" partners on joint projects. What better way to learn about and understand the culture of another people!! We believe strongly that the peaceful use of technology by young people can make a lasting mark on their lives and on the peoples of the world.●

● Mr. HATFIELD. Mr. President, "If you plan for a decade, plant trees. If you plan for a century, teach the children."

This has been a historic week for education in our Nation—the Senate has passed the National Literacy Act, which will devote Federal resources to conquering illiteracy, and the Educational Excellence Act, which will promote rising achievement in our schools and reward teachers and school districts who deliver. Clearly there can be no mistake about the message we have delivered this week—education must be a national, State, and local priority

across all disciplines and all socio-economic class levels. We must teach all the children and we must plant the seeds of educational opportunity in every corner of the United States.

It is with this mission in mind that I rise today to join my colleague from Massachusetts in introducing a major new initiative for reform in mathematics, science, and engineering education. Together we bring to the Senate a blueprint from which we can meet the President's goal of significant improvement in mathematics and science achievement by the year 2000—the Excellence in Mathematics, Science and Engineering, Education Act of 1990. We are joined in this effort by many of those who have long-recognized the importance of this issue to the future well-being of our great Nation—Senators MITCHELL, BYRD, PELL, GLENN, ROCKEFELLER, ADAMS, BINGAMAN, GORE, INOUYE, KERREY, MIKULSKI, SIMON, and STEVENS.

Last year, Mr. President, I introduced a simple resolution calling for Congress to recognize mathematics and science education as a national priority. Today, I rise to take the next step. The Excellence in Mathematics, Science, and Engineering Education Act of 1990 elevates our deficiencies in mathematics and science to a national priority by providing a comprehensive framework from which we can begin to address this emerging crisis. This legislation touches all levels of the problem—from early childhood to postdoctoral education.

I am confident that every Member of the Senate is aware of the dismal statistics which illustrate our tremendous need in this area. Simply stated, our demand for scientists and engineers is outstripping our supply. In the past 13 years alone, the demand for scientists and engineers has increased 85 percent in every sector of our economy. The technical literacy of young people in this country is so low, however, that the Office of Technology Assessment predicts a shortfall of 700,000 scientists and engineers by the year 2000 if current trends continue.

Although many people equate science with the frog in high school they were required to dissect, both science and engineering have a profound effect on virtually every aspect of our national life. So too does this supply and demand crisis: everything from the durability of this Nation's roads and bridges to our ability to clean up nuclear waste depends on a steady supply of qualified scientists and engineers.

Where is this demand coming from? It may make more sense to ask where it is not coming from.

Business and industry, for example, rely on scientists and engineers for everything from developing new products to delivering them to the market. Hewlett-Packard offers one of thousands of examples: 50 percent of its products on the market today were developed within the last 3 years through internal research and development.

With 150,000 scientists and engineers working on the Strategic Defense Initiative alone, our national defense establishment also draws heavily on this shrinking pool. Moreover, the development by scientists and engineers of arms control verification techniques today may make additional arms control agreements possible tomorrow.

Medical research also requires large numbers of scientists and engineers. As the AIDS research budget has quadrupled over the last 4 years, for example, so too has the demand for people qualified to do the necessary research.

And yet, as the demand from each of these areas and many more increases, the number of qualified scientists and engineers is declining sharply. The problem stretches from the earliest years of elementary school through post-doctoral education, but is most acutely obvious in our high schools.

Of the 24,000 high schools in the United States, 7,000 do not offer a course in physics, 4,000 do not offer a course in chemistry, and 2,000 do not offer a course in biology. Of the schools that do offer science courses, the percentage of schools offering hands-on laboratory work has dropped from 53 percent in 1977 to 39 percent today. And most distressing—of the teachers leading classes, fully 50 percent do not meet the National Teachers' Association's minimum certification requirements.

This supply and demand crisis has received neither the media nor the political attention given to other issues facing this Nation. But unless it is addressed today, the shrinking pool of qualified scientists and engineers will mean disaster in the future.

The Kennedy-Hatfield legislation designates the 1990's as the decade of excellence in math, science, and engineering education, with the goal of making students first in the world by the year 2000. Title I in the bill sets forth national objectives and policies for achieving a scientifically-literate population. Title II is targeted to upgrading the scientific and technical literacy of the general public, by concentrating on elementary and secondary education. Title III strengthens the professional development of scientists and engineers. Title IV stimulates the education, training, and retraining of technologists, and title V increases the participation of women and minorities in math, science and engineering.

Specifically, the bill proposes a national network of regional consortiums—consortiums in the true meaning of the word—a bringing together of existing resources in nine different regions throughout the United States. The mission of the consortiums will be to provide technical assistance and dissemination of resources to large and small, urban and rural, school districts throughout their boundaries. Each consortium will involve both formal and informal education structures, higher education, teachers, administrators and the private sector.

The bill also proposes a national clearinghouse of mathematics, science, and technology education materials. This important mechanism will provide linkages not only between the nine consortiums, but within communities by utilizing on-line computer capability to simplify access to state-of-the-art curriculum and teacher enhancement resources.

Further, our legislation will provide key support to the informal science education community for further development and enhancement of interactive hands-on science exhibits. We will reach out to museums, learning centers, libraries and churches. Whatever the structure is which intrigues and touches the child.

I am delighted that our legislation also includes demonstration funding for model programs in space science education, intergenerational volunteer programs with senior citizens, and early childhood science materials for use in Head Start classrooms.

Mr. President, the Kennedy-Hatfield initiative is critically important, as are a number of others currently being developed. Ultimately, however, the key to addressing this supply and demand crisis involves the development of a broad-based constituency that recognizes the potentially disastrous implications of the crisis and actively supports efforts to address it.

Our legislation offers the Federal blueprint needed to mold reform in math and science at all levels of our education system. We have identified the problem, and I would like to think that we have begun to develop the solution. What we need is the political will to act. Now. The President has issued the call to action and we answer today.

Science is much more than the frog in biology class. Indeed, it is the very foundation upon which this Nation is built.●

● Mr. GLENN. Mr. President, I join my good friends Senator KENNEDY and Senator HATFIELD as an original cosponsor of their comprehensive math and science education bill.

The Glenn-Hatfield proposals found in S. 1950 are an important part of the bill Senator KENNEDY will be introducing later today. I am gratified that Senator KENNEDY saw the wisdom in the programs that Senator HATFIELD and I developed.

The cornerstone of our initiative is a proposal to establish 10 regional cen-

ters to bring state-of-the-art science and math curriculums to the Nation's elementary and secondary schoolteachers. We also propose the establishment of a National Clearinghouse of Math and Science Education Materials to support these centers and other reform efforts in the country. Both of these important programs can be found in today's legislation.

Why is reform necessary?

The United States now operates in a global market that places a high premium on technological innovation. More than 70 percent of the goods manufactured in the United States now compete with merchandise made overseas. Consider also our staggering trade deficit. This is the very measure of U.S. competitiveness overseas.

In the future, our factories and laboratories will need a first-rate technical work force in order to compete in international markets. Yet, this country may not produce enough scientists, engineers, and technical personnel to meet the demands of a dynamic, high-technology economy.

The message is clear: We must overhaul science and math education in this country if the next generation is to prosper in an increasingly competitive world.

Every new report on American education produces another horror story that has to make you wonder: How did we ever let it get to this?

The same Nation that landed a man on the Moon and returned him safely to Earth educates fewer than one out of every five high school graduates in the laws of physics.

The same Nation that has produced more Nobel laureates in chemistry than any other nation lets half of its young people graduate from high school without taking a single course in chemistry.

And finally, American schoolchildren are routinely outperformed in international comparisons of science and math performance—by students from our chief trade rivals. In fact, this country graduates 700,000 functionally illiterate young people a year.

Moreover, the numbers are working against us. Fewer babies are being born and fewer young people have an interest in science or engineering. On top of that, increasing numbers of students from groups traditionally underrepresented in science and engineering, namely, minorities and women, also indicate a potential shortage of scientific personnel.

Mr. President, Senator HATFIELD and I believe that in order to reform science education in this country, we must look to the beginning of the educational pipeline for the source of the problem as well as the solution.

One of the greatest obstacles to getting more young people—especially female and minority students—interested in a technical career are the science and math courses themselves.

Luckily, private efforts are under way all over this country to rewrite, reform, and reinvigorate science and mathematics curriculums.

It is our goal to make these developments available to schools and teachers that want them.

These centers would bridge the gap that now exists between the ivory tower, laboratory-like settings where science and math curriculums are often developed and the real world of antiquated classrooms, ill-prepared students, and a number of underqualified teachers.

In our centers, teachers would play a critical role. Dissemination of the curriculums would take place in two ways: First, teachers would be exposed to the best science and math curriculums available and allowed to tailor it to the conditions in their own classrooms; second, they would learn how to teach the new science and math courses; and third, lead teachers would be trained to instruct their peers in the use of new materials.

The key to effective educational reform is collaboration. That is why our centers would really be more like regional consortia. In fact, that's exactly what we call them. The consortia would maintain strong linkages with all of the education stakeholders in the region, including State education departments, school districts, parents, teachers, administrators, academia, and the business community. Reinforcing their ties to the community would be a requirement that the centers secure up to a half or more of their funding from these stakeholders. As a result, the consortias' very sustenance would depend on their success in tackling real educational problems—as identified by those who work in the real world.

Finally, these regional consortia would be selected through an open competition run jointly by both the Department of Education and the National Science Foundation, the Nation's leading science education agency. Peer review would be an important component of this process. Our hope is that the very best organizations in the country would compete to operate the consortia; they should be required to demonstrate to both the education and the science community that they are the best qualified groups in their region to disseminate and implement curriculum. Too much is at stake to do it in any other way.

Curriculum reform is at the heart of education reform. Simply raising teachers' salaries, lengthening the school year, or toughening graduation requirements are not enough by themselves. The United States will not meet its goal of scientific literacy by the year 2000 unless we also reform what is being taught in the classrooms.

I urge my colleagues to support this important legislation.●

● Mr. ROCKEFELLER. Mr. President, today I am pleased to join my colleagues, Senators KENNEDY and HATFIELD, in support of the Excellence in Math, Science, and Engineering Act of 1990. This bill aims to find some solutions for the troubled state of our Nation in the areas of math, science, and engineering.

I remember with excitement how the launch of sputnik in 1958 sparked a national obsession to excel. Thirty-two years later, America must activate the same level of determination and wage a nationwide effort to achieve excellence in the fields of math and science.

The statistics portray the economic threat we face. In a recent science test taken by high school seniors in 14 countries, American students ranked dead last. College enrollments in science courses are at an all-time low. Of high school students who do enter college intent on pursuing science careers, as many as 40 percent drop out after the first course, 60 percent by graduation.

The Excellence in Math, Science, and Engineering Act addresses several major obstacles to our Nation's ability to remain a world technological leader. First, the bill seeks to increase the scientific and technical literacy of our entire American population. We not only need more scientists and mathematicians, our future depends on each and every member of the work force being fully prepared to cope in an increasingly technological world. Second, the bill seeks to expand the supply of scientists and engineers. A recent National Science Foundation study predicts a shortfall of about half a million scientists and engineers by the end of the century. Third, the bill aims to avert this severe shortage of scientists and engineers by encouraging wider participation of women and minorities in these fields.

I am extremely pleased and grateful that a bill I introduced last April—the National Math/Science Teacher Corps Act of 1989 (S. 843)—has been included in its entirety in this larger legislative package.

My Math/Science Teacher Corps bill offers Federal scholarships of $7,500 to top juniors and seniors in college who agree to teach at the precollege level for 2 years in exchange for each year of aid. The bill requires that these students major in math, science, or engineering so that they demonstrate a keen interest in the subject matter that they will be teaching. The National Science Foundation would run the program and select each year the 500 members of the Math/Science Teacher Corps.

The objective of the Teacher Corps is to encourage young mathematicians,

scientists, and engineers to spend a few years in the classroom teaching kids these crucial subjects. My hope is that some of the corps will find love teaching and decide to stay in the classroom. But even those who only teach for a few years will infuse new energy and excitement into the math classrooms and science labs of our schools.

Studies show that little children toddle off to grade school with positive attitudes toward science and math. However, by the third grade, a tremendous number say they don't like these subjects anymore. Something is not right. What seems to be happening is that in the early years, kids' curiosity is smothered under an avalanche of facts—but there are not enough teachers in the classroom teaching them to truly love math and science.

We need to expand the pool of confident, motivated teachers who can inspire all American students to achieve. I believe the Teacher Corps will help fulfill this goal, and I am pleased that it's part of this excellent package.

In conclusion, I would like to make the point that legislation alone will not solve the math/science crisis we face in this country. Frankly, nothing can substitute for a national will to make our country excel again in these subjects. Children need to be told to turn off their television sets and do their homework. Parents need to spend more time with their children and encourage them in these subjects. Parents also must demand more math and science education from their local school systems. We also need to extend to teachers in all fields the respect they deserve for educating our children.

Senators KENNEDY and HATFIELD are introducing an excellent initiative today. It gives us a centerpiece to rally around and makes it clear that this is indeed a national problem. The economic threat we face today is every bit as serious as sputnik was in 1958, and we need to face that threat—head-on as a nation, with the resources, creativity, and human resolve we know it will take.●

● Mr. BINGAMAN. Mr. President, I rise today in strong support of the Excellence in Math, Science, and Engineering Act of 1990, and I would like to commend my distinguished colleagues, Senator KENNEDY and Senator HATFIELD, for their leadership in sponsoring this important and comprehensive legislation.

Without question, the need to improve our Nation's science, math, and engineering education system is urgent. We simply must give a higher priority to remaining a world leader in science, engineering, and technology if we are going to be a leader in the internationally competitive marketplace of the 21st century. That means that we must give a high priority to the education of all of our children.

The importance of science and technology in our modern world is indisputable. When the history of the 20th century is written, I believe it will be recorded as the century in which science and technology dramatically and permanently altered the lives of all of humankind.

It is no exaggeration to say that the nations that lead in science and technology will inevitably lead economically and militarily as well. It follows that the nations that fall behind in science and technology also will fall behind economically and militarily. But it is important to remember: A country that leads in science does not simply produce Nobel laureates. That is only part of the measurement of success.

A country that leads in science must also lead in applying new scientific knowledge—in putting new technology to use. And if a country is going to lead in applying science, its entire population must have a reasonable level of general scientific competency.

Mr. President, given the importance of science and technology to our Nation's future economy and future security, I believe that we must begin to seriously address some obvious questions:

How are we doing?

Are we still preeminent in these fields?

Are we doing what we should to maintain a leadership position?

Unfortunately, the answers to these basic questions are not encouraging. We are no longer preeminent in many key fields of science. We are not taking the steps we need to take to maintain a leadership position.

In his book, "The Business of Science," Simon Ramo traces our country's performance in science and technology over the last three decades.

In the 1960's, Ramo writes, scientific preeminence was a major national goal. By the end of the decade, few doubted that the United States led the world in virtually all areas of scientific discovery and invention. The launching of sputnik by the Soviets and the national commitment to send a man to the Moon were major factors in our drive for preeminence.

Throughout the 1970's, we continued to lead. But by the early 1980's, our lack of priorities and our complacency with previous successes began to take their toll.

As we begin the 1990's, Simon Ramo's assessment of our position is sobering. He states, as so many others have also stated:

> In recent decades the United States has lost its position as global champion in technology and has become an average performer, winning some contests, but losing more.

What has happened? Part of what has happened is that the focus on science, engineering, and technology, which characterized public sentiment in the 1960's, has been lost.

We have an inherent belief, as Ronald Reagan said so often during his Presidency: "Given a level playing field, Americans can outperform and outcompete anyone in the world." Unfortunately, we have allowed this self-confidence to persuade us that, unlike other nations, we do not need to set national priorities or goals. We do not need to make plans to achieve our objectives.

We falsely believe that being the world leader is our birthright. We leave the planning and hard work to others. Well, it is time to forget about birthrights and to work for what we deserve. Just as our parents and grandparents worked to make this country great, so too must we work. We must once again commit ourselves to creating and improving the technological base needed to be a world-class economic power.

This legislation will go far in helping us carry out that commitment. It will, among other things:

First, create a national network of nine regional consortia to encourage better coordination among Federal agencies and facilitate the collaboration of resources.

Second, establish a national clearinghouse library for the distribution of science materials.

Third, provide additional support for informal educational efforts, including science, museums, zoos, and nature centers.

In short, this legislation will help us create a system where the Federal Government will work in partnership with States to help meet the technological challenges facing our Nation.

Fortunately, we can already point to some successful partnerships. In my home State of New Mexico, for example, a Science and Technology Alliance has been forged between educational institutions and our national laboratories. Through the alliance, New Mexico's Highlands University and Luna Vocational-Technical Institute have joined with Los Alamos and Sandia National Laboratories to pursue a program sponsored by the Department of Energy that will help increase crucially needed minority representation in the Department's scientific and engineering programs.

Another success in New Mexico is the establishment and invigorating continuation of the Centers of Technical Excellence at three of the State's universities. But clearly, we cannot stop there. We must strive for more. We must rise to the technological challenges that face us.

Mr. President, I believe our country can meet those challenges. I believe we can continue to be a leader in the ongoing scientific revolution. We can

continue to be a leader if we seriously commit ourselves to working persistently and creatively toward educational excellence. Through legislative initiative like the Excellence in Math, Science, and Engineering Education Act, I am confident that we can take significant strides toward achieving our goals.●

● Mr. PELL. Mr. President, I am delighted to join Senators KENNEDY, HATFIELD, MITCHELL, BYRD, and my other colleagues in cosponsoring the Excellence in Math, Science, and Engineering Education Act. The general level of our scientific and mathematical literacy is of vital national interest. The number of students entering careers in science and engineering is equally critical. Our industries will be competitive in the global marketplace only if they can call upon a talent pool of workers who are highly skilled and inventive. Building such a world-class work force requires a world-class education.

The students of today are the work force of tomorrow. And our competitive position in the world economy can be foretold by comparing achievement levels of our students with students in other industrial nations. We do not fare well. American students score lower on math and science tests. They rank last in biology, next to the bottom in chemistry, and very near the bottom in physics.

That is why our legislation is so essential. It lays the groundwork for achieving significant gains in scientific and mathematical literacy by the year 2000. It builds upon work begun in 1985 with the passage of my Education for Economic Security Act, our current math/science program. And it meets the challenges of the future with a series of targeted initiatives to increase the supply of scientists and engineers, particularly with respect to women and minorities.

We must expend our collective energies to ensure that American industries remain competitive. We must see to it that business in this country is on the cutting edge of technological innovation. And to carry this out we must be able to rely upon a scientifically literate work force—from those who invent, to those who produce.

Our legislation establishes a goal for the year 2000 in math and science education. Its purpose is to carry us forward into the next century with an educated citizenry that leads the world—as we did during this century—in innovation, design, and discovery. The nation that brought the world the microchip and the transistor and the superconductor should continue to be the nation by which our planet sets its clock. We can maintain such stature if we are just willing to invest in the education of our people.●

By Mr. ARMSTRONG:

S. 2115. A bill to temporarily suspend the duty on certain infant nursery monitors and intercoms; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN INFANT MONITORS AND INTERCOMS

● Mr. ARMSTRONG. Mr. President, I am introducing legislation to suspend until December 31, 1992, the import duty on infant nursery monitor systems. This duty is imposed on a product for which there is no similar or competitive product manufactured in the United States.

The products are small radio transmitters and receivers that allow a parent to monitor an infant's activity from another location in the home. The effect of the duty, therefore, other than to raise a small amount of revenue, is to reduce the affordability of this device that promotes child safety.●

By Mr. ARMSTRONG:

S. 2116. A bill to temporarily suspend the duty on certain glass fibers; to the Committee on Finance.

DUTY SUSPENSION OF CERTAIN GLASS FIBERS

● Mr. ARMSTRONG. Mr. President, I am introducing legislation to suspend until December 31, 1992, the import duty imposed on certain glass fibers or yarn. This duty is imposed on a product for which there is no similar or competitive type of product manufactured in the United States. The duty raises the cost of production, however, to certain manufacturers of automobile and industrial timing belts and tires. Since there is no domestic manufacturer of this yarn to protect, a reduction of the duty would be a clear benefit to U.S. manufacturers and consumers alike.●

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 2117. A bill to designate certain lands as wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

ARIZONA WILDERNESS ACT

● Mr. DECONCINI. Mr. President, my colleague Senator MCCAIN and I are introducing our second Arizona wilderness bill this session. In May of last year, we introduced S. 1080, a bill designating 895,000 acres of wilderness in Arizona. Also, last year in the House, the senior member of the Arizona delegation, Chairman UDALL, introduced two wilderness bills that would have included over 2.7 million acres of Federal land in the wilderness preservation system. The bill we are introducing today is the product of yearlong discussions among the members of the Arizona congressional delegation and reconciles the differences between the two bills. It designates approximately 2.4 million acres of both Bureau of Land Management and Fish and Wildlife Service land as wilderness. It is identical to two measures reported out by the House Interior Committee yesterday by Chairman UDALL.

This bill reflects what, in my opinion, is widespread agreement throughout my State on what wilderness should be in Arizona. While it does not contain everything that everybody wanted, this legislation is a fair and balanced wilderness bill.

This consensus wilderness bill designates approximately 1.1 million acres out of the 2.1 million acres of BLM land currently in wilderness study status in Arizona. The land that is not designated as wilderness by this act will be released to multiple-use management. A particular emphasis of this bill is the protection of Arizona's rapidly disappearing desert riparian areas. Out of the seven riparian areas considered for wilderness suitability by the BLM, six are included in the wilderness preservation system and one, the Gila Box, will be made a National Riparian Conservation Area.

One of the riparian areas designated as wilderness by this bill is White Canyon. This area, in my opinion, typifies the cooperative spirit in which this bill was drafted. A major mining company expressed very significant concerns that the creation of this wilderness area would hamper its ability to develop a mine in this area. At the suggestion of the Arizona congressional delegation, this mining company, the proponents of wilderness designation for White Canyon and the BLM sat down and came to an agreement that will allow this area to become a wilderness area. Throughout this bill, there are many other instances where this kind of cooperation occurred.

The major difference between Senator MCCAIN's and my original bill and the one we are introducing today is the inclusion of two large wildlife refuges: the Kofa and Cabeza Prieta National Wildlife Refuges. When we introduced our first bill last year, I had concerns that the designation of these refuges as wilderness would impact the ability of the refuge managers to manage the very significant wildlife resources within them. However, in testimony before the House Interior Committee, John Turner, the Director of the Fish and Wildlife Service, allayed these concerns. He indicated that the purpose for which these refuges were created takes precedence over a subsequent wilderness designation. The purpose in establishing each of these refuges was to protect and manage the wildlife and their habitat. As a result, wildlife management activities will continue as they have in the past. This fact, combined with the road network for the KOFA National Wildlife Refuge that will be included in the bill, convinced me to change my position on these refuges and they are included in this consensus wilderness

bill. Combined, these refuges total 1.24 million acres.

A matter that is still unresolved at this time is the issue of Federal reserve water rights. The bill that we are introducing retains the language that is in our original bill. While there is basic agreement on this issue within the Arizona delegation, there is not agreement on the language that institutionalizes these principles. I look forward to working with my colleagues on this issue and I am confident that this matter will be resolved satisfactorily.

Other areas where the Arizona delegation is in agreement includes language concerning the military overflights over the Cabeza Prieta Wildlife Refuge, the wildlife management in BLM wilderness areas, and the prohibition against the creation of buffer zones around the wilderness areas designated by this act.

Mr. President, in coming to agreement on this wilderness bill, Arizona has once again demonstrated why its delegation is unique among those in Congress. We don't always see eye-to-eye on every issue, but we are able to put aside partisan differences for the good of the State we serve. This consensus wilderness bill is further example of this. Each and every member of the Arizona delegation has made his mark on this legislation.

I particularly want to thank my colleague, Senator MCCAIN for his tireless efforts in working with me on this bill. Without the hard work of Senator MCCAIN and his staff, particularly John Raidt, we would not be introducing this legislation.

I also want to say a few words about my friend, MO UDALL. Over the years, he has earned my respect and admiration for his leadership on natural resource issues. He kept the delegation moving forward toward a compromise bill. His commitment to seeing this work completed has been an inspiration to me.

Mr. President, I am hopeful that the Senate will pass this legislation in as timely a fashion as possible. The Arizona delegation has worked long and hard to get to this point, and this bill is much too important to delay action.

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. 2117

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 "Arizona Wilderness Act of 1990".

TITLE I—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

SEC. 101. WILDERNESS DESIGNATION AND MANAGEMENT.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, the following public lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in Mohave County, Arizona, which comprise approximately 23,600 acres, as generally depicted on a map entitled "Mount Wilson Wilderness" and dated February 1990, and which shall be known as the Mount Wilson Wilderness.

(2) Certain lands in Mohave County, Arizona, which comprise approximately 31,070 acres, as generally depicted on a map entitled "Mount Tipton Wilderness" and dated February 1990, and which shall be known as the Mount Tipton Wilderness.

(3) Certain lands in Mohave County, Arizona, which comprise approximately 27,530 acres, as generally depicted on a map entitled "Mount Nutt Wilderness" and dated February 1990, and which shall be known as the Mount Nutt Wilderness.

(4) Certain lands in Mohave County, Arizona, which comprise approximately 76,600 acres, as generally depicted on a map entitled "Warm Springs Wilderness" and dated February 1990, and which shall be known as the Warm Springs Wilderness.

(5) Certain lands in Mohave County, Arizona, which comprise approximately 15,900 acres, as generally depicted on a map entitled "Aubrey Peak Wilderness" and dated February 1990, and which shall be known as the Aubrey Peak Wilderness.

(6) Certain lands in La Paz County, Arizona, which comprise approximately 14,630 acres, as generally depicted on a map entitled "East Cactus Plain Wilderness" and dated February 1990, and which shall be known as the East Cactus Plain Wilderness.

(7) Certain lands in Mohave and Yavapai Counties, Arizona, which comprise approximately 41,600 acres, as generally depicted on a map entitled "Rawhide Mountains Wilderness" and dated February 1990, and which shall be known as the Rawhide Mountains Wilderness.

(8) Certain lands in Mohave, Yavapai, and La Paz Counties, Arizona, which comprise approximately 129,525 acres, as generally depicted on a map entitled "Arrastra Mountain Wilderness" and dated February 1990, and which shall be known as the Arrastra Mountain Wilderness.

(9) Certain lands in La Paz County, Arizona, which comprise approximately 25,287 acres, as generally depicted on a map entitled "Harcuvar Mountains Wilderness" and dated February 1990, and which shall be known as the Harcuvar Mountains Wilderness.

(10) Certain lands in La Paz and Maricopa Counties, Arizona, which comprise approximately 22,865 acres, as generally depicted on a map entitled "Harquahala Mountains Wilderness" and dated February 1990, and which shall be known as the Harquahala Mountains Wilderness.

(11) Certain lands in Maricopa County, Arizona, which comprise approximately 20,600 acres, as generally depicted on a map entitled "Big Horn Mountains Wilderness" and dated February 1990, and which shall be known as the Big Horn Mountains Wilderness.

(12) Certain lands in Maricopa County, Arizona, which comprise approximately 30,170 acres, as generally depicted on a map entitled "Hummingbird Springs Wilderness" and dated February 1990, and which shall be known as the Hummingbird Springs Wilderness.

(13) Certain lands in La Paz, Yuma, and Maricopa Counties, Arizona, which comprise approximately 94,100 acres, as generally depicted on a map entitled "Eagletail Mountains Wilderness" and dated February 1990, and which shall be known as the Eagletail Mountains Wilderness.

(14) Certain lands in Maricopa County, Arizona, which comprise approximately 15,250 acres, as generally depicted on a map entitled "Signal Mountain Wilderness" and dated February 1990, and which shall be known as the Signal Mountains Wilderness.

(15) Certain lands in Maricopa County, Arizona, which comprise approximately 61,000 acres, as generally depicted on a map entitled "Woolsey Peak Wilderness" and dated February 1990, and which shall be known as the Woolsey Peak Wilderness.

(16) Certain lands in Maricopa County, Arizona, which comprise approximately 14,500 acres, as generally depicted on a map entitled "Sierra Estrella Wilderness" and dated February 1990, and which shall be known as the Sierra Estrella Wilderness.

(17) Certain lands in Maricopa and Pinal Counties, Arizona, which comprise approximately 34,400 acres, as generally depicted on a map entitled "Table Top Wilderness" and dated February 1990, and which shall be known as the Table Top Wilderness.

(18) Certain lands in Pima County, Arizona, which comprise approximately 5,080 acres, as generally depicted on a map entitled "Coyote Mountains Wilderness" and dated February 1990, and which shall be known as the Coyote Mountains Wilderness.

(19) Certain lands in Pima County, Arizona, which comprise approximately 2,065 acres, as generally depicted on a map entitled "Baboquivari Peak Wilderness" and dated February 1990, and which shall be known as the Baboquivari Peak Wilderness.

(20) Certain lands in Gila County, Arizona, which comprise approximately 9,201 acres, as generally depicted on a map entitled "Needle's Eye Wilderness" and dated February 1990, and which shall be known as the Needle's Eye Wilderness. The right-of-way reserved by right-of-way reservation A-16043 dated October 20, 1986, together with the right of ingress and egress thereto, shall not be affected by this Act, and the existing powerline utilizing such right-of-way may be operated, maintained, and upgraded, subject to reasonable requirements to protect wilderness values.

(21) Certain lands in Graham County, Arizona, which comprise approximately 6,590 acres, as generally depicted on a map entitled "North Santa Teresa Wilderness" and dated February 1990, and which shall be known as the North Santa Teresa Wilderness.

(22) Certain lands in Graham County, Arizona, which comprise approximately 10,883 acres, as generally depicted on a map entitled "Fishhooks Wilderness" and dated February 1990, and which shall be known as the Fishhooks Wilderness.

(23) Certain lands in Cochise County, Arizona, which comprise approximately 11,998 acres, as generally depicted on a map entitled "Dos Cabezas Mountains Wilderness" and dated February 1990, and which shall be known as the Dos Cabezas Mountains Wilderness.

(24) Certain lands in Graham County, Arizona, which comprise approximately 6,600

acres, as generally depicted on a map entitled "Redfield Canyon Wilderness" and dated February 1990, and which shall be known as the Redfield Canyon Wilderness.

(25) Certain lands in La Paz County, Arizona, which comprise approximately 18,805 acres, as generally depicted on a map entitled "Gibraltar Mountain Wilderness" and dated February 1990, and which shall be known as the Gibraltar Mountain Wilderness.

(26) Certain lands in La Paz County, Arizona, which comprise approximately 15,755 acres, as generally depicted on a map entitled "Swansea Wilderness" and dated February 1990, and which shall be known as the Swansea Wilderness.

(27) Certain lands in La Paz County, Arizona, which comprise approximately 29,095 acres, as generally depicted on a map entitled "Trigo Mountain Wilderness" and dated February 1990, and which shall be known as the Trigo Mountain Wilderness.

(28) Certain lands in Yuma County, Arizona, which comprise approximately 8,855 acres, as generally depicted on a map entitled "Muggins Mountain Wilderness" and dated February 1990, and which shall be known as the Muggins Mountain Wilderness.

(29) Certain lands in Yavapai and Maricopa Counties, Arizona, which comprise approximately 9,200 acres, as generally depicted on a map entitled "Hells Canyon Wilderness" and dated February 1990, and which shall be known as the Hells Canyon Wilderness.

(30) Certain lands in Maricopa County, Arizona, which comprise approximately 63,600 acres, as generally depicted on a map entitled "North Maricopa Mountains Wilderness" and dated February 1990, and which shall be known as the North Maricopa Mountains Wilderness.

(31) Certain lands in Maricopa County, Arizona, which comprise approximately 72,004 acres, as generally depicted on a map entitled "South Maricopa Mountains Wilderness" and dated February 1990, and which shall be known as the South Maricopa Mountains Wilderness.

(32) Certain lands in Mohave County, Arizona, which comprise approximately 38,400 acres, as generally depicted on a map entitled "Wabayuma Peak Wilderness" and dated February 1990, and which shall be known as the Wabayuma Peak Wilderness.

(33) Certain lands in Mohave County, Arizona, which comprise approximately 27,390 acres, as generally depicted on a map entitled "Upper Burro Creek Wilderness" and dated February 1990, and which shall be known as the Upper Burro Creek Wilderness.

(34) Certain lands in Yavapai County, Arizona, which comprise approximately 11,840 acres, as generally depicted on a map entitled "Hassayampa River Canyon Wilderness" and dated February 1990, and which shall be known as the Hassayampa River Canyon Wilderness.

(35) Certain lands in Pinal County, Arizona, which comprise approximately 5,800 acres, as generally depicted on a map entitled "White Canyon Wilderness" and dated February 1990, and which shall be known as the White Canyon Wilderness.

(36) Certain lands in Mohave County, Arizona, which comprise approximately 8,700 acres, as generally depicted on a map entitled "Tres Alamos Wilderness" and dated February 1990, and which shall be known as the Tres Alamos Wilderness.

(37) Certain lands in Cochise County, Arizona, which comprise approximately 19,650 acres, as generally depicted on a map entitled "Peloncillo Mountains Wilderness" and dated February 1990, and which shall be known as the Peloncillo Mountains Wilderness.

(38) Certain lands in Yuma County, Arizona, which comprise approximately 21,860 acres, as generally depicted on a map entitled "New Water Mountains Wilderness" and dated February 1990, and which shall be known as the New Water Mountains Wilderness.

(39) Certain lands in Gila and Graham Counties, Arizona, which comprise approximately 12,711 acres generally depicted on a map entitled "Aravaipa Wilderness Additions" and dated February 1990, and which shall be added to and managed as part of Aravaipa Wilderness.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by this Act shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior.

(d) NO BUFFER ZONES.—The Congress does not intend for designation of wilderness areas in the State of Arizona to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) FISH AND WILDLIFE.—As provided in paragraph (7) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to wildlife and fish on the public lands located in that State.

(f) LIVESTOCK.—(1) Grazing of livestock in wilderness areas designated by this Act, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and the guidelines set forth in Appendix A of the Report of the Committee on Energy and Natural Resources to accompany S. of the 101st Congress (S. Rept. 101-).

(2) The Secretary is directed to review all policies, practices, and regulations of the Bureau of Land Management regarding livestock grazing in Bureau of Land Management Wilderness areas in Arizona in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(g) WATER.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights shall be the date of enactment of this Act. The Secretary of the Interior shall file a claim for the quantification of such rights in an appropriate stream adjudication, and shall take all steps necessary to protect such rights in such an adjudication. The Federal water rights reserved by this Act are in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

(h) WILDLIFE MANAGEMENT.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines such as those set forth in appendix B of the Report of the Committee on Energy and Natural Resources to accompany S. of the 101st Congress (S. Rept. 101-).

SEC. 102. CONGRESSIONAL FINDING.

Excepting for the Baker Canyon areas (AZ-040-070), and the approximately 57,800 acres of public land as generally depicted on a map entitled "Cactus Plain Wilderness Study Acres" dated February 1990, the Congress hereby finds and directs that all public lands in Arizona, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 not designated as wilderness by this Act, or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirement of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 103. GILA BOX RIPARIAN NATIONAL CONSERVATION AREA.

(a) PURPOSES.—In order to conserve, protect, and enhance the riparian and associated areas described in subsection (b) and the aquatic, wildlife, archeological, paleontological, scientific, cultural, recreational, educational, scenic, and other resources and values of such areas, there is hereby established the Gila Box Riparian National Conservation Area (hereafter in this section referred to as the "conservation area").

(b) AREAS INCLUDED.—The conservation area shall consist of the public lands generally depicted on a map entitled "Gila Box Riparian National Conservation Area" dated February 1990, and comprising approximately 20,900 acres.

(c) MAP.—As soon as practicable after the date of enactment of this Act, a map and legal description of the conservation area shall be filed by the Secretary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map shall have the same force and effect as if included in this section. Copies of such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Inte-

rior, and in appropriate office of the Bureau of Land Management in Arizona.

(d) MANAGEMENT OF CONSERVATION AREA.—(1) The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values (including the resources and values specified in subsection (a)), pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this section.

(2) The Secretary shall allow only such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established. Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads specifically designated for such use as part of the management plan prepared pursuant to this section.

(e) WITHDRAWAL AND WATER.—(1) Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

(2) Congress hereby reserves a quantity of water sufficient to fulfill the purposes (as specified in subsection (a)) for which the conservation area is established. The priority date of this reserved right shall be the date of enactment of this Act. The Secretary shall file a claim for the quantification of this right in an appropriate stream adjudication, and shall take all steps necessary to protect such right in such adjudication. The Federal water right reserved by this paragraph shall be in addition to any other water rights which may have been previously reserved or obtained by the United States.

(f) MANAGEMENT PLAN.—(1) No later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the conservation area in order to fulfill the purposes for which the conservation area is established. The management plan shall be developed with full public participation and shall include provisions designed to assure protection of the resources and values (including the resources and values specified in subsection (a)) of the conservation area. For the purposes of this section, the term "management plan" means the plan developed under this subsection.

(2) The management plan shall include a discussion of the desirability of the inclusion in the conservation area of additional lands, including the lands not in Federal ownership that are contiguous to the boundary of the conservation area (as depicted on the map referenced in subsection (b) or as hereafter adjusted pursuant to subsection (g)) and within the area extending two miles on either side of the centerline of Eagle Creek from the point where Eagle Creek crosses the southern boundary of the Apache National Forest to the confluence of Eagle Creek with the Gila River (this area is hereafter referred to in this section as the "Eagle Creek riparian area").

(3) In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate State and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976.

(4) In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, and other characteristics, resources, and values of the conservation area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976.

(g) ACQUISITION AND BOUNDARY ADJUSTMENTS.—(1) The Secretary is authorized to acquire non-Federal lands or interests therein within the boundaries of the conservation system unit or within the Eagle Creek riparian area.

(2) The Secretary is authorized to adjust the boundaries of the conservation area so as to incorporate within the conservation area any lands or interests within the Eagle Creek riparian area that may be acquired after the date of enactment of this Act as well as public lands within that portion of the Eagle Creek riparian area west of the centerline of Eagle Creek that the Secretary finds appropriate in order to properly manage such acquired lands as part of the conservation area. Any lands or interests so incorporated shall be managed as part of the conservation area.

(3) No lands or interests therein owned by the State of Arizona or any political subdivision of such State shall be acquired pursuant to this subsection except through donation or exchange, and no lands or interests within the conservation area or the Eagle Creek riparian area shall be acquired from any other party or entity except by donation, exchange, or purchase with the consent of the owner of such lands or interests.

(h) NO BUFFER ZONES.—The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area not permitted in the conservation area shall not preclude such activities or uses up to the boundary of the conservation area to the extent consistent with other applicable law.

(i) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to advise the Secretary with respect to the preparation and implementation of the management plan. Such advisory committee shall consist of seven members appointed by the Secretary. One member shall be appointed from nominations supplied by the Governor of Arizona and one member each shall be appointed from nominations supplied by the supervisors of Graham and Greenlee Counties, respectively. The remaining members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the purposes for which the conservation area is established.

(j) REPORT.—No later than 5 years after the date of enactment of this Act, and at least each 10 years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the implementation of this section, the condition of the resources and values of the conservation area, and the progress of the Secretary in achieving the purposes for which the conservation area is established.

(k) ENFORCEMENT.—Any person who violates any regulation promulgated by the Secretary to implement this section shall be subject to a fine in accordance with applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3572) or to imprisonment for at least 6 months but no more than one year, or both such fine and imprisonment.

(l) AUTHORIZATION.—There are hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this section.

TITLE II—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE

SEC. 201. WILDERNESS DESIGNATION AND MANAGEMENT.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, Arizona, which comprise approximately 14,606 acres, as generally depicted on a map entitled "Havasu Wilderness" and dated September 1989, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, Arizona, which comprise approximately 9,220 acres, as generally depicted on a map entitled "Imperial Wilderness" and dated September 1989, and which shall be known as the Imperial Wilderness.

(3) Certain lands in the Kofa National Wildlife Refuge, Arizona, which comprise approximately 504,800 acres, as generally depicted on a map entitled "Kofa Wilderness" and dated September 1989, and which shall be known as the Kofa Wilderness.

(4) Certain lands in the Cabeza Prieta National Wildlife Refuge, Arizona, which comprise approximately 763,000 acres, as generally depicted on a map entitled "Cabeza Prieta Wilderness" and dated September 1989, and which shall be known as the Cabeza Prieta Wilderness.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, United States Department of the Interior.

(d) WATER.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights shall be the date of enactment of this Act. The Secretary shall file a claim for the quantification of such rights in an appropriate stream

adjudication, and shall take all steps necessary to protect such rights in such an adjudication. The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

(e) MILITARY ACTIVITIES.—Nothing in this Act, including the designation as wilderness of lands within the Cabeza Prieta National Wildlife Refuge, shall be construed as—

(1) precluding or otherwise affecting continued low-level overflights by military aircraft over such refuge or the maintenance of existing associated ground instrumentation, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(2) precluding the Secretary of Defense from entering into new or renewed agreements with the Secretary of the Interior concerning use by military aircraft of airspace over such refuge or the maintenance of existing associated ground instrumentation, consistent with management of the refuge for the purposes for which such refuge was established and in accordance with laws applicable to the National Wildlife Refuge System.●

● Mr. McCAIN. Mr. President, my home State of Arizona has been blessed with a rich and magnificent natural heritage.

From the kaleidoscopic vistas and plunging depths of the Grand Canyon, across mountain streams weaving through stands of ponderosa pine to the quiet majesty of the Sonoran Desert, we are the stewards of a very special land, indeed.

Preserving that heritage for future generations is our sacred duty and inviolable trust. As Arizona's population grows, and the edges of urbanization expand, fulfilling that trust grows more difficult, the need more profound.

Twenty-five years ago, to help protect lands of pristine quality, Congress passed the Wilderness Act creating the National Wilderness Preservation System. As stated in the act, Congress wanted "* * * to assure that increasing population, accompanied by expanding settlement and growing mechanization [would] not occupy and modify all areas leaving no land designated for preservation and protection in their natural condition * * * and to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."—a noble and worthwhile purpose indeed.

To help fulfill the promise of the Wilderness Act in our home State of Arizona, my distinguished colleague, Senator DECONCINI and I introduced the Arizona Wilderness Act of 1989 last May. Since that time, we have held town hall meetings, received extensive public comment and participated in hearings held by the House on a wilderness bill introduced by our friend, the distinguished chairman of the Interior Committee, MORRIS UDALL.

Over the past year, we have worked closely with our House colleagues to reconcile the House and Senate measures and to achieve agreement on a wilderness bill. I am proud to say that we have achieved such an agreement. Today, in cooperation with my colleague Senator DECONCINI, I am proud to introduce legislation reflecting the product of our agreement that seeks to place nearly 2.3 million acres into the National Wilderness Preservation System. I believe the agreement is fair, responsible, and will serve the best interests of our State.

Today, as part of that agreement, the House Interior Committee favorably reported a bill identical to the legislation Senator DECONCINI and I are now introducing. It is my hope that the Senate will act swiftly to pass this legislation which will help us to preserve Arizona's magnificent natural heritage for the benefit and enjoyment of this and future generations.

The bill is certainly not perfect, and I anticipate some fine tuning as well as additional discussion on the issue of water rights. The areas we propose for wilderness are managed by the Bureau of Land Management and the U.S. Fish and Wildlife Service, and would be added to the nearly 2 million acres of Forest Service land given wilderness protection by Congress in 1984.

Arizona's most precious and endangered natural resource is our diminishing wetlands, which must compete for water with municipal, agricultural, and industrial users. Dwindling instream waters and manmade developments have taken their toll. Only 10 percent of our riparian habitat remains. The loss of these fragile ecosystems diminishes the diversity and viability of many species of wildlife and vegetation.

This bill would extend protection to a number of our most important riparian zones, including areas located on the Hassayampa and Bill Williams Rivers and on Burro Creek. In addition, we are designating a stretch of the Gila River as a National Riparian Conservation Area—only the second of its kind in the Nation. The other was designated last year by Congress on the San Pedro River east of Tucson.

Other areas proposed for wilderness are important lambing grounds for Big Horn sheep, and home to endangered and rare species of plants and animals, such as the Pronghorn sheep and the American Bald Eagle. One of the most significant contributions will be inclusion of the KOFA and Cabeza Prieta National Wildlife Refuges in the wilderness system. Those areas were eliminated from proposals we introduced last year because of concern whether wilderness would permit proper wildlife management activities. Those concerns have been addressed, permitting wilderness designation of Cabeza Prieta—the largest tract of undisturbed Sonoran Desert in existence, nearly 850,000 acres.

Certainly the wilderness debate is not without some controversy and conflict. Wilderness resource conservation in a growing world is no simple proposition. This is especially true in the West, where our economy was built on natural resource development. Mining, timbering, and cattle ranching—the historical breadwinners of the West—depend heavily on use of public lands. Consequently, restrictive land management proposals are fraught with controversy and pose many formidable challenges.

In Arizona, we have been able to meet those challenges through a spirit of cooperation, compromise, and a common commitment to the conservation ethic by the environmental community, industry, and the public.

We took great care to avoid land use conflicts when possible. Nevertheless some will still philosophically oppose "locking up" areas in wilderness citing its impact on mineral development. Others will object to cutting off vehicular access and mobility.

I do not disregard the importance of these concerns. Mineral development and cattle ranching are and always will be important to the economy of our State. Certainly, in most cases, resource developers strive to be conscientious stewards of the lands they use. And, for those with limited time, physical capacity or lack of desire to hike, vehicular access to outdoor recreation opportunities is, also, extremely important. I am a believer in the multiple-use concept of our public lands.

True wilderness, however, is a limited and endangered commodity and once opened it is never fully reclaimed. Most would agree, the relatively few pristine areas remaining in Arizona should be preserved. The BLM manages over 15 million acres in the State of Arizona. With 1 million acres in the wilderness system, we will still have plenty of public land available for multiple uses including mineral development, cattle grazing, and vehicular access.

While, undoubtedly, we will forego certain opportunities with wilderness, we will create them as well—such as the opportunity to find a measure of solitude in a frantic world; to know there is a place to refresh the soul, and where nature is allowed to take its course free from the imposing reach of man. In addition, wilderness can provide economic benefits. Arizona is a fast growing State, in an increasingly populated country. Western wilderness will be in ever greater demand, putting Arizona in an excellent position to benefit economically from our fastest growing and best loved industry, recreation.

Walt Whitman once wrote, "Without enough wilderness America will

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change. Democracy, with its myriad personalities and increasing sophistication, must be fibred and vitalized by regular contact with outdoor growths—animals, trees, sun warmth, and free skies—or it will dwindle and pale."

As we embark on the year 2,000 and beyond, our natural heritage will be our anchor, the common thread linking the past and future, and a bountiful source of joy and inspiration.

As the stewards of this magnificent land, we have an obligation to our children and those who follow.

Again, I thank my friend Senator DECONCINI, Chairman UDALL and all the members Arizona's congressional delegation for their hard work and commitment on this issue. I urge the Senate to rapidly approve this important legislation.●

By Mr. BAUCUS.

S. 2118. A bill to amend the Disaster Assistance Act of 1989 to require the Secretary of Agriculture to consider damaged crops and spring replacement crops as separate crops; to the Committee on Agriculture, Nutrition, and Forestry.

PLANTING SPRING CROPS ON DAMAGED ACREAGE

● Mr. BAUCUS. Mr. President, today I am offering a piece of legislation that will do much to restore equity in the administration of the Disaster Assistance Act of 1989. The Department of Agriculture, under the direction of Secretary Clayton Yeutter, has chosen to adminster this disaster act in a way that is patently unfair to wheat farmers.

In November, I sent a letter, along with nine other Senators, to the Secretary of Agriculture requesting an explanation of the ASCS action. Three months later the Secretary has still not responded.

Although the legislation which I propose today should not be necessary, I am forced to file it because of the incorrect interpretation of the ACSC. This legislation which I submit for this body to consider today is simple and straightforward. It will clear up any possible misunderstandings on the part of the ASCS and will provide Montana wheat farmers, as well as other wheat farmers, their fair share of the 1989 disaster assistance.

I ask unanimous consent that the text of the bill, as well as the letter which I sent to Secretary Yeutter, be printed in the RECORD immediately following my statement.

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

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PLANTING SPRING CROPS ON DAMAGED ACREAGE.

Section 110(b) of the Disaster Assistance Act of 1989 (Public Law 101-82; 7 U.S.C. 1421 note) (as amended by section 1 of Public Law 101-134) is amended by adding at the end the following new subsection:

"(d) SPRING CROPS.—Notwithstanding any other provision of this title, in carrying out this subtitle, the Secretary shall consider as separate crops—

"(1) a crop for which disaster payments are received; and

"(2) a spring variety of such crop planted for harvest in 1989 to replace such crop.".

U.S. SENATE,
Washington, DC, November 17, 1989.

Hon. CLAYTON YEUTTER,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: We believe that the Department of Agriculture has chosen to administer the Disaster Assistance Act of 1989 in a way that is patently unfair to wheat farmers.

The ASCS has ruled that farmers who lost their winter wheat crop and planted spring wheat will not be eligible for disaster payments—unless the spring wheat crop also fails. However, if those farmers had replanted with barley or any other crop, they would be eligible with appropriate deductions made for the value of the second crop. That is simply unfair. It costs just as much to re-plant with spring wheat as it does to re-plant with barley.

Section 110 of the 1989 Act requires that disaster payments be reduced if a successful replacement crop was planted. The law does not delineate what that replacement crop should be, only that it be planted to replace the crop lost as a consequence of the disaster. The intent is to prevent double compensation, not to discriminate against spring wheat. In fact, in its report on the legislation, the Senate Agriculture Committee states that in cases where farmers have planted spring varieties of winter crops, loss shall be ". . . based on the yield of the originally-planted winter variety."

Certainly, if a successful second crop was planted it should be appropriately deducted from disaster payments. But it should not matter whether the replacement crop was barley, oats, spring wheat, or potatoes. All should be treated equally.

Particularly, at a time when USDA is trying to encourage wheat production, the Department's position makes absolutely no sense.

Unless USDA reverses its practice, we plan to offer a floor amendment to pending legislation that requires treating spring wheat farmers fairly. We will not stand by and let USDA make administrative rulings that deprive wheat farmers of millions of dollars to which they are entitled.

Sincerely,

Max Baucus, Quentin Burdick, David Boren, Slade Gorton, Brock Adams, Jim McClure, Kent Conrad, Conrad Burns, Pat Leahy.●

By Mr. KASTEN (for himself and Mr. LEAHY):

S. 2119. A bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes; to the Committee on Foreign Relations.

ASSISTANCE FOR SOVIET REFUGEES RESETTLING IN ISRAEL

● Mr. KASTEN. Mr. President, I am very pleased to join my distinguished friend, Senator LEAHY, in introducing this legislation. This bill would provide a $400 million in guarantee authority under AID's Investment Guarantee Program for Housing in Israel.

The purpose of this legislation is to provide Israel with badly needed assistance as she continues to cope with the enormous influx of Soviet refugees into that country.

It is our intention to propose this as an amendment to the supplemental appropriations legislation. In the meantime, we think it appropriate to introduce this as separate legislation so that interested parties would know of this intention, and Members might join with us in this effort.●

● Mr. LEAHY. Mr. President, I am pleased to join with my good friend and colleague on the Foreign Operations Subcommittee, the Senator from Wisconsin, Mr. KASTEN, in offering this bill to amend the fiscal 1990 Foreign Operations appropriation to provide for a $400 million Housing Investment Guaranty [HIG] Program to assist Israel in absorbing a massive influx of Soviet Jews. As a result of President Mikhail Gorbachev's glasnost policy and relaxation of emigration laws, literally hundreds of thousands of Soviet Jews are seeking to leave the Soviet Union. Most are going to go to Israel. This year, Israel anticipates receiving in excess of 100,000 immigrants from the Soviet Union, in contrast to under 13,000 for all of 1989. Estimates of additional immigration of Soviet Jews to Israel vary, but in all likelihood the levels will reach at least 250,000 or more within 2 or 3 years.

The Government of Israel has prepared a large scale refugee absorption program. From domestic resources, the government plans to raise over $2 billion from loans and increased taxes. Jewish organizations around the world will raise at least $600 million—probably more. One of the most urgent needs in absorbing this mass of refugees is housing. The stock of housing in Israel is completely inadequate to meet this unprecedented demand, and without substantial assistance, Israel will not be able to provide housing. The Israeli Government has requested that the United States help it meet this overwhelming human crisis by providing a $400 million Housing Investment Guaranty Program. The $400 million would represent United States Government guarantees of commercial loans the Government of Israel would contract on the commercial market. The value of the HIG guarantees is that they will enable

Israel to secure 30-year loans, with a 10-year grace period, and at somewhat lower rates of interest.

Israel would use the HIG Program solely to build housing and necessary infrastructure for Soviet Jews. The $400 million in loan guarantees is expected to be sufficient to finance the construction of 30,000 housing units and associated infrastructure requirements. Israel would of course repay the loans, so that the United States Government would not actually have to disburse any of the loan guarantees. Israel has a 100 percent debt repayment record, and we need have no concern about full servicing of the commercial loans Israel would contract under this program.

Mr. President, our bill does not address the sensitive question of the settlement of Soviet Jewish refugees in the West Bank or Gaza. This is because I have been categorically assured by administration representatives that longstanding United States policy is to include in every assistance agreement with Israel a clause prohibiting the use of any United States assistance outside the pre-1967 borders of Israel. Continutation of this longstanding policy should obviate any necessity to include language in the bill prohibiting the use of United States assistance to provide housing for the Soviet Jewish immigrants in the West Bank or Gaza. However, should, in the course of hearings on this issue, any question arise about the intention of the administration to insist on this standard clause, I would have to reconsider the need to include a statutory prohibition. I would, as the administration has, oppose the use of any of the assistance for housing in the West Bank or Gaza.

As chairman of the Foreign Operations Subcommittee, it is my intention to include this bill or a variant of it as a provision in the refugee supplemental appropriation for fiscal 1990 that the President has just submitted to Congress. I want to emphasize for Senators the need for urgent action on that refugee supplemental. At the current rate of refugee admissions into the United States, the State Department's refugee budget will be virtually exhausted in about 3 or 4 months, perhaps even sooner. Now, with the addition of this HIG Program for Israel, the need for rapid action by the Congress is even more apparent. Israel should be initiating housing construction right now. Deputy Prime Minister Peres told me that if Israel can receive the loan guarantees by about April, it should be able to initiate a massive housing program that should be able to absorb this initial wave of immigrants.

I should also point out to Senators that this is only a loan guarantee program with no budget impact. No direct appropriation of budget authority is necessary. I see no reason we cannot move expeditiously on this program, as well as on the refugee supplemental itself.

Mr. President, once again I want to thank my good friend and ranking member on the Foreign Operations Subcommittee, Senator KASTEN, for working with me to develop this bipartisan response to a great human need.●

By Mr. DECONCINI:

S. 2120. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

SENATE ELECTION REFORM ACT

● Mr. DECONCINI. Mr. President, I have frequently spoken about the prohibitively high cost of running a Senate campaign. I have discussed all the statistics—how costs didn't double, didn't triple, but increased more than fivefold in the 10-year period from 1976 to 1986; how more and more candidate time is being spent raising money and less and less time is being spent discussing issues; how millions of dollars are being spent even in unsuccessful efforts.

We have discussed previously the source of a great percentage of this big money—PAC's and other special interest groups. We have heard how individual citizens have become disillusioned with our Government of the people, by the people, for the people, because they perceive that individual citizens are overshadowed by PAC's and special interests in the selection process.

We know the significant advantage incumbents have over challengers. Data show that official mass mailings increase during a Senator's election year; PAC's give significantly more money to incumbents than to challengers; incumbents garner more free press coverage in connection with their official duties; and incumbents enjoy the benefit of widespread recognition which helps raise funds. We must change the system to make Senate elections a fair race among all candidates so that voters feel they truly have a choice.

Last year I introduced a bill which I believe would help accomplish these long overdue changes. Today I am introducing a bill which takes that effort one step further. My bill today contains the same provisions as last year's bill, the Senate Election Reform Act of 1989, S. 1575, with some minor modifications. And it adds an important new element that I believe would significantly reduce the time candidates must spend on fundraising by further reducing spending limits and by adding partial public financing of Senate races. The mechanism is simple. To qualify for benefits, a candidate must raise a threshold of funds made up of small contributions primarily from in-State sources. upon reaching the threshold, a candidate, by agreeing to comply with voluntary spending limits for the general election, becomes eligible to receive a grant of one-third of the remaining general election spending limit amount. For the remaining two-thirds of the amount above the threshold, the candidate is eligible to receive matching grants of small contributions of $250 or less, and grants equal to $250 for contributions between $251 and $1,000. No grants would be made for PAC contributions in any amount.

I believe that this mechanism eases a candidate's fundraising burden and encourages a candidate to focus fundraising efforts at the grassroots level. It provides Federal financing of elections without putting the entire burden upon the Federal Government, and it retains participation of PAC's and interest groups at an appropriate, balanced level by targeting the funding mechanism to the general election only. There is certainly a place in our Federal election process for PAC's and interest groups, but they must not be allowed to overpower the role of individuals.

In addition, my bill S. 1575 proposed general election spending limits that were lower than those proposed in other legislation that has been introduced in the Senate this Congress. This bill further reduces those limits even more by altering the formula used to calculate the limits. Mr. President, I have prepared a table showing the general election spending limit for each State, the primary election limit, the combined campaign cycle limit, the threshold required to qualify for benefits, the automatic grant available to eligible candidates, and the PAC limits that would be set according to the provisions of this bill based on the 1988 voting age population [VAP] of each State. I ask unanimous consent that this table be included in the RECORD at the end of my statement.

Mr. President, I have commended my friend Senator BOREN for his leadership on this issue in the past, and I do so again today. Many of the provisions in this bill are similar or identical to those in his legislation. He is truly the founding father of Senate campaign finance reform. My first bill took his efforts one step further, and this bill takes an additional step by adding public financing.

A Rules Committee hearing has been scheduled on this bill for February 22, 1990. At that time, I will give a more comprehensive explanation of my approach to campaign finance reform, including a more detailed dis-

cussion of the provisions of this bill as well as additional ideas I am developing.

It is time to restore public confidence in our election processes and in our Government's representation of the people. This bill does just that. I ask unanimous consent that a copy of my bill be printed in the RECORD.

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

S. 2120

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 "Senate Election Reform Act of 1990".

SEC. 2. SPENDING LIMITS.

The Federal Election Campaign Act of 1971 (referred to as "the Act") is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For the purposes of this title—

"(1) the term 'authorized committee' means, with respect to a candidate for election to a seat in the United States Senate, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

"(2) the term 'candidate' means an individual who is seeking nomination for election, or election to a seat in the United States Senate, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2);

"(3) the term 'eligible candidate' means a candidate who has made the filings prescribed by section 502 (a) and (b);

"(4) the term 'election cycle' means, with respect to an election to any Senate seat—

"(A) in the case of a candidate or the authorized committee of a candidate, the period beginning on the day after the date of the most recent general election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'general election' means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(6) the term 'general election period' means the period beginning on the day after the date of a primary or runoff election, whichever is later, and ending on the first of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(7) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B);

"(8) the term 'major party' has the meaning stated in section 9002(6) of the Internal Revenue Code of 1986 (the Presidential Election Campaign Fund Act), provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the selection of the candidate and at least one other candidate for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(9) the term 'primary election', with respect to an election for any Senate seat, means an election that may result in the selection of a candidate for the Senate on the ballot of in a general election;

"(10) the term 'primary election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

"(A) the date of the first primary election for that seat following the last Senate election for that seat; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(11) the term 'runoff election', with respect to an election for any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for determining the candidates that will be certified as nominees for the Senate;

"(12) the term 'runoff election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the most recent primary election for that seat and ending on the date of the runoff election for that seat; and

"(13) the term 'Senate Account' means the Senate Election Campaign Account maintained, pursuant to section 506, by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(14) the term 'voting age population' means the resident population, 18 years of age or older, as certified for a State pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, a candidate shall make the filings required by subsections (b) and (c).

"(b) To become an eligible candidate, a candidate shall, on the day that the candidate files as a candidate for the primary election, file with the Commission a declaration whether—

"(1) the candidate and the candidate's authorized committees agree to make expenditures for the primary election in an amount greater than the lesser of—

"(A) 50 percent of the general election spending limit applicable to the candidate under section 503(b); or

"(B) $2,750,000;

"(2) the candidate and the candidate's authorized committees agree to make expenditures for a runoff election, in an amount equal to no more than 20 percent of the general election spending limit applicable to the candidate under section 503(b); and

"(3) the candidate and the candidate's authorized committees agree to make expenditures for the general election in an amount equal to no more than the general election spending limit applicable to the candidate under section 503(b).

"(c) To become an eligible candidate, a candidate shall, not later than 7 days after qualifying for the general election ballot under State law or, if the candidate's State is one that has a primary election to qualify for the general election ballot after September 1, not later than 7 days after the date such candidate wins in such primary, whichever occurs first, file a certification with the Commission under penalty of perjury stating that—

"(1) during the period beginning on January 1 of the calendar year preceding the year of the general election, or in the case of a special election for the seat of a United States Senator, during the period beginning on the day on which the seat was vacated, and ending on the day the certification is made, the candidate and the candidate's authorized committees have received contributions in an amount at least equal to the lesser of—

"(A) $650,000; or

"(B) the greater of—

"(i) $150,000; or

"(ii) 10 cents multiplied by the voting age population of the State;

"(2) all contributions received for purposes of paragraph (1) have come from individuals, and no contribution received from an individual, when added to all contributions to or for the benefit of the candidate from the individual, was taken into account to the extent that the contributions from that individual exceed $250;

"(3) the candidate and the candidate's authorized committees have not expended for the primary election more than the amount described in subsection (b)(1);

"(4) the candidate and the candidate's authorized committees have not expended for any runoff election more than the amount described in subsection (b)(2);

"(5) at least 80 percent of the amount of contributions received for purposes of paragraph (1) have come from individuals residing in the candidate's State;

"(6) at least one other candidate has qualified for the same general election ballot under State law;

"(7) the candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures for the general election that exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election except to the extent that the contribution is necessary to defray expenditures for the general election that in the aggregate do not exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(F) will cooperate in any audit and examination conducted by the Commission pursuant to section 507; and

"(G) will not make any expenditures until the date that is 6 months before the date of the primary election, or use payments received under this section for expenses incurred prior to such date for media advertising, direct mail, and telephone banks unless such expenses for mail or telephones are directly related to raising funds or recruiting volunteers for that election; and

"(8) the candidate and the candidate's authorized committees will not use a broadcast station, pursuant to section 315 of the Communications Act of 1934 (47 U.S.C. 315), for a political advertisement or broadcast communication on a television broadcast station until the date that is 6 months before the date of the primary election in which such candidate is involved; and

"(9) the candidate intends to make use of the benefits provided in section 504.

"(b) For the purposes of subsection (c)(1) and section 504(a)(2)(B), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument that identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from a person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to all other contributions made by that individual to or for the benefit of such candidate since the date specified in paragraph (4); and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election is held or received after the date on which the general election is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the seat was vacated or received after the date on which the general election is held shall be taken into account.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate shall—

"(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

"(2) incur personal debt,

in excess of $100,000 in connection with the candidate's campaign for the Senate during an election cycle.

"(b) No candidate may make expenditures for a general election in excess of the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) $400,000 plus 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000,

plus any amount permitted under section 504 (b) and (c).

"(c) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate makes expenditures for the primary election in excess of the lesser of—

"(1) $2,750,000; or

"(2) the amount equal to 50 percent of the limitation on expenditures for the general election determined under subsection (b).

"(d) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate makes expenditures for a runoff election in excess of amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

"(e)(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or the candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act, if—

"(A) the compliance fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act, and does not contain any funds received by the candidate pursuant to section 504(a);

"(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

"(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Commission for a waiver of such limitation up to any additional amount that the Commission may authorize, the determination of which shall be subject to Federal review under section 508.

"(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

"(A) contributed to the United States Treasury to reduce the budget deficit; or

"(B) transferred to any fund of a subsequent campaign of that candidate.

"(f) If during a primary election period or runoff election period preceding a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (c) and (d), as they apply to such candidate, shall be deemed to be increased for that primary or runoff election in an amount equal to the amount of such independent expenditures made during the primary election period or runoff election period.

"(g) No candidate who receives a benefit under this title for use in a general election campaign shall receive any such benefits if the candidate makes any expenditure before the date that is 6 months before the date of the primary election in which the candidate is a candidate.

"(h) No candidate who receives a benefit under this title shall make any expenditure, directly or indirectly, for any political advertisement or broadcast communication on a television broadcast until after the date that is 6 months before the date of the primary election in which such candidate is a candidate.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under subsections (b) and (d)(3) of section 315 of the Communications Act of 1934 (47 U.S.C. 315);

"(2) mailing rates provided in section 3629 of title 39, United States Code; and

"(3) a payment equal to the greater of—

"(A) $250,000; or

"(B) one-third of the difference between—

"(i) the general election spending limit applicable to the candidate under section 503(b); and

"(ii) the threshold amount applicable to the candidate under section 502(b)(1),

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (D) aggregating an amount in excess of the general election spending limit applicable to the candidate under section 503(b);

"(D) payments equal to the sum of—

"(i) all contributions that the candidate has received from contributors (excluding multicandidate political committees) who have made contributions for the general election aggregating no more than $250 each; and

"(ii) $250 times the number of contributors (excluding multicandidate political committees) from whom the candidate has received contributions for the general election aggregating more than $250,

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (C) aggregating an amount in excess of the general election spending unit applicable to the candidate under section 503(b); and

"(E) payments under section 506 equal to the total amount of independent expenditures made or obligated to be made in the general election by any person in opposition to, or on behalf of an opponent of, the eligible candidate, as such expenditures are reported by such person or determined by the Commission under section 304(f);

"(2) if an eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed the general election spending limit applicable to the eligible candidate under section 503(b)—

"(A) in the case of an eligible candidate who is a major party candidate a payment under section 506 (in addition to payments to which the candidate is entitled under paragraph (1)) in an amount equal to—

"(i) two-thirds of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 100 percent of the applicable general election spending limit; and

"(ii) one-third of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the applicable general election spending limit; and

"(B) in the case of an eligible candidate who is not a major party candidate matching payments under section 506 (in addition to payments to which the candidate is entitled under paragraph (1)) equal to the amount of each contribution received by such eligible candidate and the candidate's

authorized committees, provided that in determining the amount of each such contribution—

"(i) section 502(b) shall apply; and

"(ii) threshold contributions required to be raised under section 502(b)(1) shall not be matched,

to the extent that aggregate payments to a candidate under this subparagraph do not exceed 50 percent of the amount of the general election spending limit applicable to the candidate under section 503(b).

"(b) An eligible candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the general election spending limit applicable to the candidate under section 503(b).

"(c)(1) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the general election spending limit applicable under section 503(b).

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to subparagraph (C) of section 502(a)(7) if a major party candidate in the same general election is not an eligible candidate, or if any other candidate in the same general election who is not an eligible candidate raises aggregate contributions or makes or become obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b).

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such benefits shall not be used—

"(1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate,

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. Such request shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation;

"(2) a certification that the candidate has raised contributions in the applicable threshold amount states in section 502(b)(1) and has met all other requirements to become an eligible candidate; and

"(3) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Account'. The Secretary shall deposit into the Senate Account, for use by eligible candidates, the amounts available after the Secretary determines that the amounts in the fund, plus the amounts of revenue the Secretary projects will accrue to the fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the amount in the Senate Fund, and determine whether that amount, plus the amount of revenue the Secretary projects will accrue to the Senate Account (based on the computation made by the Secretary with respect to the fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Account during that period. If the Secretary determines that an excess amount exists, the Secretary shall transfer the excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate named in the certification, out of the Senate Account, the amount certified by the Commission.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible candidates of each major party and 10 percent of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that the candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any part of a payment benefit made to a candidate under this title was not used as required by this title, the Commission shall so notify the candidate and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount of the benefit that was used otherwise than as permitted by this title.

"(d) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less the general election spending limit applicable to the candidate under section 503(b), the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent general election spending limit applicable to the candidate under the limitation set forth in section 503(b), the Commission shall so notify the candidate, and the candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for no more than 60 days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during the general election period. At the end of 60 days any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Account.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which the candidate is entitled or knowingly or willfully use such benefits for any purpose other than one permitted by this title or knowingly or willfully make expenditures from the candidate's personal funds, or the personal funds of the candidate's immediate family, in excess of the general election spending limit applicable to the candidate under section 503(b).

"(b) A person who violates subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to the making of an expenditure in violation of

subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by a candidate, or an authorized committee of a candidate who receives benefits under this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by a candidate or an authorized committee of a candidate pursuant to the provisions of this title shall pay to the Secretary for deposit in the fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any action by the Commission made under this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in that court not later than 30 days after the Commission action for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Chapter 7 of title 5, United States Code, applies to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission may appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission may, through attorneys and counsel described in subsection (a), institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission may, through attorneys and counsel described in subsection (a), petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission deems appropriate) made by each eligible candidate and the authorized committees of that candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each such repayment; and

"(4) the balance in the fund, the Senate Account and any other account maintained in the fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission may prescribe such rules and regulations in accordance with subsection (c), conduct such examinations and investigations, and require the keeping and submission of such books, records, and information, as it deems necessary to carry out its functions and duties under this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission such sums as are necessary for the purpose of carrying out the Commission's functions and duties under this title.".

SENATE ACCOUNT

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1" each place it appears in that subsection and inserting "$2"; and

(2) by striking "$2" each place it appears in that subsection and inserting "$4".

BROADCAST RATES

SEC. 4. Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a) by striking "section" and inserting "subsection";

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively; and

(3) by inserting immediately after subsection (a) the following new subsection:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any eligible candidate opposing the candidate endorsed (or to an authorized committee of such eligible candidate), or to any eligible candidate who was so opposed (or to an authorized committee of such eligible candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.

"(c) A licensee shall not preempt the use, during any period specified in subsection (d)(1), of a broadcasting station by a legally qualified candidate for Federal office who has purchased such use pursuant to such subsection (d)(1).";

(4) by amending subsection (d)(1), as redesignated by paragraph (2), to read as follows:

"(1) during the 6 months preceding the date of a primary, runoff, general, or special election in which such person is a candidate, the lowest unit charge of the station over the preceding 12-month period for the same class and amount of time for the same period, except that in the case of candidates for the United States Senate in a general election, as such term is defined in section 501(5) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of that Act;"; and

(5) by amending subsection (e), as redesignated by paragraph (2) to read as follows:

"(e) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contributions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the terms 'licensee' and 'station licensee', when used with respect to a community antenna system, mean the operator of such system.".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as that term is defined in section 501(5), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration whether the candidate intends to make expenditures in excess of the general election spending limit applicable to the candidate under section 503(b).

"(2) A declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of

the declaration, and may not be further amended or changed.

"(e)(1) A candidate for the United States Senate who qualifies for the ballot for a general election, as that term is defined in section 501(5)—

"(A) who is not eligible to receive benefits under section 502; and

"(B) who either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b) for such Senate election,

shall file a report with the Commission not later than 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or not later than 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. Thereafter such candidate shall file additional reports with the Commission not later than 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made, which aggregate an additional 5 percent of such limit. A candidate shall continue to file such reports until the candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures equal to 133⅓ percent of the general election spending limit applicable to the candidate under section 503(b).

"(2) The Commission, not later than 24 hours after such a report has been filed, shall notify each candidate in an election who is eligible to receive benefits pursuant to this title of the filing of such report, and after an opposing candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures in excess of the applicable general election spending limit, the Commission shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(5), who is not eligible to receive benefits under section 504, has raised aggregate contributions or has made or has become obligated to make aggregate expenditures for such election that exceed general election spending limit applicable to a candidate under section 503(b). The Commission, not later than 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about the making of such determination, and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which any such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(5), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person referred to in paragraph (1) shall be reported not later than 24 hours after the aggregate amount of such expenditures incurred or obligated exceeds $10,000. Thereafter, independent expenditures referred to in paragraph (1), made by the same person in the same election, shall be reported not later than 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii); and

"(B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, not later than 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C), about the making of each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which any such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(5), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, not later than 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about the making of each determination under subparagraph (A), and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by a person shall constitute an expenditure in coordination, consultation, or concert with another person when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same 2-year election cycle, 1 of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities that may influence an election to any Federal office include—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising that includes references, however incidental, to clearly identified Federal and non-Federal candidates for public office, or that does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities that require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor (except donors whose aggregate donations do not exceed $200 in a calendar year) together with the amount and date of each donation with regard to the receipts of the non-Federal account that comprise disbursements reported under subparagraph (A).

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, if such donations or disbursements are governed solely by such State laws and not subject to paragraph (1).

"(i) The certifications required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding section 505(a).

"(j) Not later than 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission a declaration stating whether or not

such candidate agrees to expend from the candidate's personal funds, or the funds of the candidate's immediate family, or incur personal loans, in connection with the candidate's campaign for such office, in the aggregate of $100,000 or more, for the election cycle.

"(k)(1) A candidate for the United States Senate who expends from the candidate's personal funds or the funds of the candidate's immediate family, or incurs personal loans, in connection with the candidate's campaign for such office, in the aggregate in excess of $100,000, for the election cycle, shall file a report with the Commission not later than 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported not later than 24 hours after each time the aggregate of additional expenditures or loans exceeds $10,000.

"(2) Not later than 24 hours after a report has been filed under paragraph (1), the Commission shall notify each candidate in the election who is eligible to receive payments under section 504 of the filing of each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of a candidate's immediate family or incurred personal loans in connection with the candidate's campaign aggregating in excess of $100,000, or thereafter in increments of $10,000 during the election cycle. Not later than 24 hours after making such determination, the Commission shall notify each candidate in the general election who is eligible to receive benefits under section 504 of the making of each such determination.".

(b) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"Whether a committee, club, association, or other group of persons has received contributions within the meaning of this paragraph shall be determined by the Commission on the basis of facts and circumstances, in any combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(c) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following new paragraph:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or an authorized committee of a candidate, the period beginning on the day after the date of the most recent election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the most recent general election and ending on the date of the next election.".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking "or" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) adding at the end thereof the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 (or $125,000 if at least two candidates qualify for the ballot in the general or special election and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 10 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 10 percent of the limitation on expenditures provided in section 315(j) for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds the greater of—

"(i) 2 cents multiplied by the voting age population of the State of such State committee; or

"(ii) $25,000.

The limitation of subparagraph (F) shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsections:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation for the election cycle shall be an amount equal to the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) 50 percent of the sum of—

"(I) $400,000; and

"(II) 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation for the election cycle shall be an amount equal to the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) 20 percent of the sum of—

"(I) $400,000; and

"(II) 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000.

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1) by striking "subsection (b) and subsection (d)" and inserting "subsections (b), (d), (i), and (j)"; and

(B) in paragraph (2)(B) by inserting before the period at the end thereof "as applied in subsections (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senate Election Reform Act of 1990, as applied in subsections (i) and (j)".

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "(2) and (3)" and inserting "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following new paragraphs:

"(4) No congressional campaign committee may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, exceed 30 percent of the total expenditures that may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, are in excess of an amount equal to 2 cents multiplied by

the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which—

"(A) clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for the Federal office of President, Senator or Representative; and

"(B) does not constitute a direct mail communication designed primarily for fundraising purposes that makes only incidental reference to a Federal candidate.".

(d) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$2,500"; and

(2) in subparagraph (C), by striking "$5,000" and inserting "$2,500".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) For purposes of this subsection—

"(i) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(ii) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(I)(aa) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(bb) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(II) the conduit or intermediary is required to register as a lobbyist or lobby organization as defined under the Federal Regulation of Lobbying Act (2 U.S.C. 266), or an officer, employee or other agent of such an organization.

"(B) the limitations imposed by this subsection shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by—

"(I) two or more candidates;

"(II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by either two or more candidates or one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(ii) serving as an officer of the candidate's authorized committees; or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with—

"(i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, if the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by striking the period at the end thereof and inserting the following: ", except that when a person makes an independent expenditure through a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization, and when a person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 10. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking "may refer" and inserting "shall refer".

EXTENSION OF CREDIT

SEC. 11. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 12. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

subject to the condition that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the general election spending limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

DISCLOSURE

SEC. 13. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has NOT agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has NOT agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

EXCESS CAMPAIGN FUNDS

SEC. 14. Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by inserting "(a)" after the section designation;

(2) by striking "political party;" through the end of the paragraph and inserting "political party."; and

(3) by adding at the end thereof the following new subsection:

"(b) The authorized committee of a Senator or Representative in, Delegate or Resident Commissioner to, or candidate for, the Congress, may not make any contribution, either directly or indirectly, to any other Senator or Representative in, Delegate or Resident Commissioner to, the Congress, or, to any State or local elected official or any candidate (or any authorized committee for the candidate) for such office, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit (including any political committee) to the Senator, Representative, Delegate, Resident Commissioner, or candidate.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 15. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

SOFT MONEY

SEC. 16. (a) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) A State committee of a political party, including any subordinate committee of a political party, may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 4 cents multiplied by the voting age population of that State (as certified under subsection (g) of this section).".

(b) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by repealing the following clauses: clause (x) and clause (xii) of section 301(8)(B) and clause (viii) and clause (ix) of section 301(9)(B).

(c) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), is amended by adding at the end thereof the following new subsection:

"(k)(1) Any amount solicited, received or spent by a national, State or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 301(b)(9)(B)(viii).

"(2) For purposes of this subsection, the term 'in connection with a Federal election' includes any activity that may affect a Federal election including but not limited to the following:

"(A) voter registration and get out the vote activities;

"(B) generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising; and

"(C) campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

FEDERAL ELECTION COMMISSION REFORM

Sec. 17. (a) Section 306(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437e(a)(1)) is amended—

(1) by striking "6 members" and inserting "7 members"; and

(2) by amending the last sentence thereof to read as follows: "No more than 4 members of the Commission appointed under this paragraph may be affiliated with the same political party, and such appointments shall be made in a manner to assure that the same political party shall not have 4 or more members affiliated with such party on such Commission for two succeeding years.".

(b) Section 306(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)) is amended to read as follows:

"(2)(A) Members of the Commission shall serve for terms of 7 years, except that of the members appointed after April 30, 1989—

"(i) one of the two members appointed for the term beginning May 1, 1991, shall be appointed for a term of 6 years;

"(ii) one of the two members appointed for the term beginning May 1, 1993, shall be appointed for a term of 6 years; and

"(iii) one of the two members appointed for the term beginning May 1, 1995, shall be appointed for a term of 6 years.

"(B) One additional member of the Commission shall be appointed for a term beginning May 1, 1989, and shall be appointed for a term of 5 years.".

FRANKED MAIL

SEC. 18. (a) Section 3210(a)(6) of title 39, United States Code is amended—

(1) in subparagraph (A), by striking "60 days" each place it appears and inserting "6 months";

(2) in subparagraph (C), by striking "60 days" and inserting "6 months"; and

(3) in subparagraph (E), by—

(A) inserting ", town meeting notices, opinion surveys," after "news-letters"; and

(B) striking "five hundred" and inserting "250".

(b) Paragraph 1 of Rule 40 of the Standing Rules of the Senate is amended by striking "sixty days" and inserting "6 months".

ONE CAMPAIGN COMMITTEE ALLOWED

SEC. 19. (a) Section 301(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(6)) is amended by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "a candidate".

(b) Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended—

(1) in subsection (e)(1) by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "A candidate"; and

(2) by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other law, no candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress shall have any authorized committee or campaign committee other than one committee which shall be the principal campaign committee for such individual.".

SEVERABILITY

SEC. 20. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 22. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1992 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

STATE-BY-STATE BREAKDOWN DeCONCINI CAMPAIGN REFORM BILL

State	VAP[1]	Cycle limit[2]	General limit[3]	Primary limit[4]	Threshold[5]	Automatic grant[6]	PAC limit[7]
Alabama	3.012 m	$1.729 m	$1.153 m	$576,500	$301,200	$283,933	$172,950
Alaska	346,000 m	1.350 m	900,000 m	450,000	150,000	250,000	135,000
Arizona	2.514 m	1.543 m	1.028 m	514,000	251,400	258,867	154,000
Arkanas	1.771 m	1.350 m	900,000	450,000	177,100	250,000	135,000
California	20.678 m	7.103 m	4.736 m	2.368 m	650,000	1.362 m	710,000
Colorado	2.421 m	1.508 m	1.005 m	503,000	242,000	254,000	151,000
Connecticut	2.482 m	1.531 m	1.020 m	510,000	248,000	257,000	153,000

STATE-BY-STATE BREAKDOWN DeCONCINI CAMPAIGN REFORM BILL—Continued

State	VAP[1]	Cycle limit[2]	General limit[3]	Primary limit[4]	Threshold[5]	Automatic grant[6]	PAC limit[7]
Delaware	494,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Florida	9.581 m	3.774 m	2.516 m	1.258 m	650,000	622,000	377,000
Georgia	4.624 m	2.287 m	1.525 m	762,000	462,000	354,000	229,000
Hawaii	806,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Idaho	695,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Illinois	8.542 m	3.463 m	2.308 m	1.154 m	650,000	553,000	346,000
Indiana	4.114 m	2.134 m	1.423 m	711,000	411,000	337,000	213,000
Iowa	2.120 m	1.395 m	930,000	465,000	212,000	250,000	139,000
Kansas	1.834 m	1.350 m	900,000	450,000	183,000	250,000	135,000
Kentucky	2.74 m	1.350 m	900,000	450,000	150,000	250,000	135,000
Louisiana	3.123 m	1.771 m	1.181 m	590,000	312,000	289,000	177,000
Maine	903,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Maryland	3.497 m	1.911 m	1.274 m	637,000	350,000	308,000	191,000
Michigan	6.845 m	7.221 m	4.814 m	2.407 m	650,000	1.388 m	722,000
Minnesota	3.186 m	1.795 m	1.196 m	598,000	319,000	293,000	179,000
Mississippi	1.846 m	1.350 m	900,000	450,000	185,000	250,000	135,000
Missouri	3.827 m	2.035 m	1.357 m	678,000	383,000	325,000	203,000
Montana	583,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Nebraska	1.178 m	1.350 m	900,000	450,000	150,000	250,000	135,000
Nevada	794,000	1.350 m	900,000	450,000	150,000	250,000	135,000
N. Hampshire	822,000	1.350 m	900,000	450,000	150,000	250,000	135,000
N. Jersey	5.888 m	2.666 m	1.778 m	889,000	589,000	396,000	267,000
N. Mexico	1.060 m	1.350 m	900,000	450,000	150,000	250,000	135,000
New York	13.543 m	4.963 m	3.309 m	1.654 m	650,000	886,000	496,000
N. Carolina	4.889 m	2.367 m	1.578 m	789,000	489,000	363,000	237,000
N. Dakota	480,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Ohio	8.048 m	3.314 m	2.210 m	1.105 m	650,000	520,000	331,000
Oklahoma	2.379 m	1.492 m	995,000	497,000	238,000	252,000	149,000
Oregon	2.056 m	1.371 m	914,000	457,000	206,000	250,000	137,000
Pennsylvania	9.179 m	3.654 m	2.436 m	1.218 m	650,000	595,000	365,000
Rhode Island	765,000	1.350 m	900,000	450,000	150,000	250,000	135,000
S. Carolina	2.544 m	1.554 m	1.036 m	518,000	254,000	260,000	155,000
S. Dakota	518,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Tennessee	3.665 m	1.974 m	1.316 m	658,000	150,000	389,000	197,000
Texas	11.796 m	4.439 m	2.959 m	1.480 m	650,000	769,733	444,000
Utah	1.061 m	1.350 m	900,000	450,000	150,000	250,000	135,000
Vermont	414,000	1.350 m	900,000	450,000	150,000	250,000	135,000
Virginia	4.527 m	2.258 m	1.505 m	753,000	453,000	351,000	226,000
Washington	3.43 m	1.350 m	950,000	450,000	150,000	250,000	135,000
W. Virginia	1.406 m	1.350 m	900,000	450,000	150,000	250,000	135,000
Wisconsin	3.585 m	3.241 m	1.297 m	648,000	358,000	312,000	324,000
Wyoming	330,000	1.350 m	900,000	450,000	150,000	250,000	135,000

[1] VAP—1988 Voting Age Population provided by FEC.
[2] Cycle Limit—General Limit + Primary Limit.
[3] General Limit—$400,000 + $.25 x (VAP up to 4 million) + $.20 x (VAP over 4 M). (minimum: $900,000; maximum: $5.5 million).
[4] Primary Limit—50 percent of General Limit.
[5] Threshold—$.10 + VAP; (minimum: $150,000; maximum: $650,000).
[6] Automatic Grant—33 percent x (General Limit—Threshold); minimum: $250,000.
[7] PAC Limit—10 percent of Cycle Limit.●

By Mr. COATS:

S. 2121. A bill to promote excellence in American education by removing restrictions in Federal programs that limit the opportunities for open enrollment, by providing assistance to State educational agencies and local educational agencies that desire to adopt or expand open enrollment programs, by supporting research on open enrollment, and for other purposes; to the Committee on Labor and Human Resources.

S. 2122. A bill to establish a Bootstrap School Program; to the Committee on Labor and Human Resources.

S. 2123. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of parental choice and open enrollment in public schools; to the Committee on Labor and Human Resources.

EDUCATION LEGISLATION

● Mr. COATS. Mr. President, today I am introducing several bills to allow our schools more flexibility in educating our children. These bills complement each other in eliminating barriers to innovative teaching strategies and in expanding school choice and flexibility.

The first bill is titled the "Access to Education Act of 1990." It was first introduced by an innovative education leader on the House side, STEVE BARTLETT, and I am proud to be the sponsor here in the Senate. This bill removes restrictions in Federal programs that limit the opportunities for open enrollment.

The second and third bills I am introducing were developed in the American Family Act which I introduced last spring. The first of these, the Bootstrap Schools Act, rewards schools that make substantial progress in raising student achievement; creating a safe and drug-free environment; and reducing the dropout rate. The second bill aims to foster student achievement by allowing schools to exercise open enrollment and parental choice.

Both of these bills were included in the President's education bill, S. 695, which passed yesterday in the Senate. I am concerned that the House may not pass this important measure so I am introducing these crucial bills separately so they may be included in other legislation if necessary.

These bills are not hasty experiments. Many schools across our Nation have been implementing this type of bold reform on a local basis and the success they are experiencing is being reported to legislators everywhere.

In my home State of Indiana, these ideas are gaining ground as evidenced by the recent passage through the Indiana House of Representatives of a school based management pilot program which would increase the involvement of parents, teachers, administrators, and local business and civic leaders in the governance of the local school.

I am pleased that the Indiana Legislature is responding to the local initiatives that have proven to be successful. For example, in Hammond, IN, local control of schools has dramatically turned around the system. In the July 23, 1989, issue of Parade magazine the Hammond change is described this way, "* * * this city has slashed its dropout rate, brought former students back to school and turned uninterested parents into cheerleaders for education."

Anderson, IN has also embarked on a pilot project, building site management, to allow schools at the local level to develop programs to fit the needs of its students and restore a sense of belonging to community members and parents. This project was supported by the Anderson School Corp. and by the local teachers union in Anderson.

It is clear all over the country that when communities have a say in school decisions their sense of ownership increases and things begin to happen. Giving parents the chance to pick a school encourages them to

become directly involved with that school.

These are some of the exciting innovations in school reform. These bills reflect what I believe the government response should be. Our role must be similar to the loving parent of a young adult: Setting goals and bringing support but not controlling every decision.

We must allow schools to make decisions for themselves. It is tough to do it as a parent and it is tough to do as a government but this is the bold action that must happen if we love our kids. Mistakes will be made, but schools who know that money available for improvement is contingent upon positive change or that parents will not choose their school if it remains ineffective will make the necessary changes that will allow their school to flourish.●

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. GORE).

S. 2124. A bill to authorize appropriations for the National Space Council, and for other purposes; by unanimous consent, placed on the calendar.

NATIONAL SPACE COUNCIL AUTHORIZATION

● Mr. HOLLINGS. Mr. President, today, on behalf of myself, Senators DANFORTH and GORE, I am pleased to introduce the fiscal year 1990 National Space Council authorization bill. As this is an authorization bill for fiscal year 1990, for which appropriations already have been provided, a little history on the Space Council is in order.

Mr. President, the National Space Council was established by President Bush in early 1989 pursuant to a provision in the fiscal year 1989 NASA authorization bill, Public Law 100-685, which I sponsored with the support of several of my colleagues. Now the National Space Council finds itself crippled because the Council realizes that it does not have the authority it needs to compensate its Executive Director and to hire the appropriate staff.

During the course of last fall's deliberations on fiscal year 1990 NASA authorization bill, both the Senate and the House, in an effort to address this problem, included the National Space Council authorization language in the NASA bill. Unfortunately, final enactment of the NASA bill did not occur in the waning days of the first session of this Congress. Thus, the problem of the National Space Council remains.

The serverity of these problems for the National Space Council were brought to the attention of the Senate Commerce Committee and the House Science Committee just before Christmas. At that time, I sent a letter to Vice President QUAYLE, indicating that I would work to remedy this situation with appropriate legislation at the earliest opportunity in the second session of the 101st Congress. Congressman ROE sent a similar letter.

I now stand ready to honor my commitment to take care of this matter by introducing a simple authorization bill, retroactive to October 1, 1989. This is the best, least complex, and most timely way to resolve this dilemma and to give the National Space Council the necessary operating authority.

In order to take care of this matter in an expeditious manner, it is my intention to ask for unanimous consent to have the bill, once introduced, placed on the calendar so that the bill can be acted upon by the Senate as soon as possible. As the Senate already approved this bill as part of the fiscal year 1990 NASA authorization bill last year, I would hope that my colleagues will support me in this important effort.●

● Mr. GORE. Mr. President, I would like to concur with the remarks of the chairman. I also would like to indicate that I strongly support enactment of this authorization and I am pleased to be an original cosponsor.

Mr. President, for years, many of us worked to get a National Space Council established as a focal point the formulation of space policy. For those of us familiar with the issue, it was not easy. As a matter of fact, in 1987, the NASA authorization bill was vetoed by President Reagan because such an initiative was included in the bill.

I think it only right that Congress which sired the National Space Council now provide it with the necessary operating authority. I also hope that the current administrative problems that confront the Council be remedied as quickly as possible.

I would hope that all of my colleagues share my sentiments and will support this bill.●

By Mr. DODD (for himself, Mr. BIDEN, Mr. BUMPERS, Mr. SANFORD, and Mr. SASSER):

S. 2125. A bill to condition the availability of United States assistance for El Salvador; to the Committee on Foreign Relations.

EL SALVADOR AID RESTRICTIONS ACT OF 1990

● Mr. DODD. Mr. President, I am introducing legislation today that addresses the issue of United States assistance to the Government of El Salvador.

It is specifically designed to bolster President Cristiani in his efforts to achieve a negotiated settlement to the Salvadoran conflict, with the active involvement of the Secretary General of the United Nations, and to further encourage the Salvadoran Government to improve the human rights situation in general.

Because President Cristiani is determined to achieve these goals, there are those who have sought to undermine his efforts.

We must do everything in our power to see to it that President Cristiani's efforts to end the war succeed. Therefore, I am of the view that the time has come to frame our assistance in a way that evidences our firm support for what President Cristiani is trying to achieve.

So in the first place, this legislation makes it clear that if President Cristiani is overthrown or unconstitutionally removed from power, all assistance will be terminated.

More specifically and as a condition for continued military aid, this legislation requires that the Salvadoran Government agree to negotiations and accept an active mediation role on the part of the Secretary General of the United Nations. And to evidence our commitment to the negotiating process, this legislation fences off 50 percent of the annual military assistance funding.

In return for fencing off this assistance, the FMLN guerrilla forces must also agree to negotiations, accept the Secretary General's involvement and refrain from any major military offensive, such as that launched last November.

I believe this formula tests the good will on both sides to pursue an equitable and just political settlement and offers the best chance for achieving that result.

On the human rights front, this legislation sets up a new certification requirement, with periodic Presidential reports to cover several specific human rights concerns. It also contains a modified expedited procedure arrangement to allow Congress to terminate both economic and military assistance if it disagrees with the President's findings.

I believe this legislation offers a sound framework for continuing United States assistance to the Salvadoran Government and for achieving a negotiated settlement to the war and improving human rights conditions, objectives which I know President Cristiani is dedicated to pursuing.

Mr. President, when the Senate, last October, approved continued military assistance funding for El Salvador, it did so on the basis of urging the parties to the conflict to proceed with negotiations for a cease-fire and an overall political settlement.

Last December, when the Central American Presidents met in San Jose, they renewed their call for an end to the violence in El Salvador and for a resumption of the negotiations between the parties. They also requested the Secretary General of the United Nations to use his good offices to facilitate the negotiations and to become involved in them.

Last week, Secretary of State James Baker appeared before the Foreign Relations Committee and stated:

In El Salvador, we believe this is the year to end the war through a negotiated settle-

ment that guarantees safe political space for all Salvadorans.

While the controversy and debate over the situation in El Salvador rages on, there is virtually no controversy or debate over the need to bring the conflict to an end by means of a negotiated settlement. The administration supports this objective. The Congress supports it. The five Central American Presidents support it. President Cristiani says he supports it, and so, too, does the leadership of the guerrilla forces.

Now is the time to make it happen. Now is the time to test the good will of those involved, both directly and indirectly. Now is the time to take some risks, to gamble a bit, to roll the dice. Now is the time to press—and press hard—for a lasting political solution to the tragedy of El Salvador. The dimensions of the tragedy are there for all to see: More than 70,000 lives lost during 10 years of civil conflict.

Now is the time to move this conflict from the battlefield to the negotiating table, and to do it as definitively and as decisively as we can.

The bill I am introducing today is purposefully designed to use our military assistance program for El Salvador as leverage for a serious negotiating process. The measure works as follows:

First, it conditions all United States military assistance to the Salvadoran Government on the willingness of that Government to stay at the negotiating table and to accept the U.N. Secretary General's direct involvement in the negotiating process. In addition, it withholds or fences off 50 percent of all military aid that could be obligated in any fiscal year, in an effort to convince the FMLN forces of our determination to support a political settlement.

Second, it requires the guerrilla forces to stay at the negotiating table, to accept the U.N. Secretary General as an active participant and to refrain from any major military operations that would threaten the survival of the Salvadoran Government. Should any one of these conditions not be met, the fenced military assistance would become available for obligation and delivery to the Government of El Salvador.

If we are serious about pursuing a negotiated settlement to the Salvadoran conflict, then we must be prepared to use our military aid program to help achieve this policy objective. The formula contained in this legislation is purposefully designed to do that. It seeks to shift the action from the battlefield to the conference room. This shift must take place if there is to be a political solution to the Salvadoran conflict.

Closely related to the urgent need for a political settlement is the equally urgent need for progress on the human rights front. Clearly there is a strong relationship between the two. A real political settlement will go a long way toward resolving the human rights problem. And, similarly, improvement in the human rights arena will go a long way toward facilitating a political settlement. Accordingly, we must seek to advance both. And if we are prepared to use military assistance to foster a negotiated solution, we can certainly use our total assistance effort to promote the cause of human rights.

To be sure, the human rights scene in El Salvador is not a pretty picture. Whether the crime is the murder of the Jesuits, their cook and her teenage daughter, the kidnaping and assassination of opposition political figures, the wanton murder of labor union officials, the detention and torture of perceived subversive elements, the exile of church and church-affiliated personnel, or the efforts to harass and intimidate political opponents, both real and imagined—any or all of it adds up to an intolerable human rights situation.

When it comes to El Salvador, no one expects political miracles. What we do expect—and what we have a right to expect—is progress. We have a right to expect that those who murder are apprehended, tried, and convicted; we have a right to expect that those who engage in death squad activities are brought before the bar of justice; we have a right to expect that those who wear the military uniform of the Salvadoran armed forces use their authority to protect and defend, not abuse and denigrate, the rights of Salvadoran citizens; and we have a right to expect that the blessings of democracy be extended, not to just a select few, but to all the people of El Salvador.

The legislation I am offering addresses these concerns and seeks genuine improvements in the Salvadoran human rights situation. It establishes a Presidential certification requirement, with periodic reports to the Congress, and sets up an expedited legislative procedure for overriding such certification if the committees of jurisdiction reject the President's findings.

The message must be very clear to the Salvadoran authorities that Congress is serious—very serious—about demanding real improvement in the human rights situation insofar as the various security forces have control over it. This is not to suggest that we are unmindful of the human rights abuses committed by the guerrilla forces. The record speaks for itself. They, too, are guilty of atrocities and they, too, must be made to answer for them to the people of El Salvador.

All too often, however, there is the tendency to justify the abuses on the Government's part by pointing to the abuses on the guerrillas' part. Such shallow reasoning is a formula for disaster. We support the Salvadoran Government—so far to the tune of over $4 billion. We do so because we harbor the belief that the Government stands for certain values and traditions, including democratic processes and protection of basic human rights.

The legislation I am putting forward underscores this point, and makes it clear that our continuing support for the Salvadoran Government is related directly to a shared sense of values and traditions, with concern for human rights at the top of the list.

Mr. President, up to this point I have been reluctant to impose conditionality on U.S. assistance to the Cristiani government. As my colleagues know, I believed that after taking office in June of last year he deserved some breathing space and a chance to chart his own course. Congress supported that view. In the meantime, President Cristiani used that time well. He signed onto the Central America peace accords and he initiated a dialog with the FMLN. And in the wake of the Jesuit murder case, he was the one who made the announcement regarding the complicity in, and subsequent arrest of, members of the Salvadoran military.

President Cristiani has demonstrated that he deserves our continuing support. He has demonstrated it by his commitment to the rule of law, by his commitment to resolve differences at the negotiating table and by his commitment to support a democratic process.

Because of these commitments, his enemies are now at the gate and they are determined to undermine his efforts. As they see it, President Cristiani has turned his back on the right-wing cause in El Salvador and he must be discredited for having sold out. As evidence of betrayal, they point to President Cristiani's support for disbanding the Contras, for agreeing to talk to the FMLN leadership, for releasing Jennifer Casolo, for arresting Colonel Benavides, and for accepting a U.N. role in future negotiations with the armed opposition. For a lot of people in El Salvador, many of whom supported the Cristiani candidacy, these are acts of treason.

We must do what we can to insure that efforts to weaken President Cristiani fail. We must do all that we can to evidence our support for him and to strengthen his hand in the pursuit of a negotiated settlement and an improved human rights situation. At this point, I believe, the best way to do this is to condition our assistance, and to mandate that any move against President Cristiani will automatically bring about a termination of all U.S. assistance.

Mr. President, I am convinced that our policy toward El Salvador has reached a critical juncture. There will either be a serious negotiating effort, with the involvement of the Secretary General of the United Nations, or there will be a new round of escalating military activity.

I want to see the negotiating process succeed. I want to see President Cristiani succeed. I want to see both succeed because they offer the best opportunity for the people of El Salvador to bring an end to the violence and bloodshed, to nurture democratic values and institutions, and to insure respect for human rights and individual liberties.

The legislation I am introducing today is designed to serve these purposes.

Mr. President, I ask permission that a summary of the bill and the full text of the bill be printed in the RECORD at this point.

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

S. 2125

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 "El Salvador Aid Restrictions Act of 1990".

SEC. 2. STATEMENT OF POLICY.

The provision of assistance by the United States to the Government of El Salvador shall serve two principal foreign policy objectives: (1) seeking to promote a negotiated settlement to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; and (2) seeking to foster greater respect for basic human rights, as broadly encompassed in the right to life, liberty, and the security of person.

SEC. 3. PROHIBITION ON MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador if that Government—

(1) declines to participate in a negotiations for a settlement to the armed conflict in El Salvador; or

(2) rejects or otherwise fails to support an active role for the Secretary General of the United Nations in mediating a negotiated settlement to the armed conflict in El Salvador.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a specific authorization contained in a law subsequently enacted by the Congress.

SEC. 4. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of United States military assistance for El Salvador—

(1) which has been allocated for fiscal year 1990 in the report required by section 653(a) of the Foreign Assistance Act of 1961 and which is unexpended on the date of enactment of this Act, or

(2) which has been allocated for any fiscal year after fiscal year 1990 in such report,

shall be withheld from obligation or expenditure, except as provided in subsection (b).

(b) RELEASE OF ASSISTANCE.—The United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the representatives of the Farabundo Marti National Liberation Front—

(A) decline to participate in negotiations for a settlement to the armed conflict in El Salvador, or

(B) refuse to accept an active role for the Secretary General of the United Nations in mediating that settlement, or

(2) the President certifies to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that any or all of the United States military assistance being withheld must be released immediately because offensive military actions or operations on the part of the paramilitary forces of the Farabundo Marti National Liberation Front jeopardize the survival of the constitutional Government of El Salvador.

SEC. 5. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly-elected Government of El Salvador is overthrown or unconstitutionally removed from office.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a specific authorization contained in a law subsequently enacted by the Congress.

SEC. 6. RESPECT FOR HUMAN RIGHTS.

(a) POLICY.—It is the policy of the United States to deny assistance under the Foreign Assistance Act of 1961 to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.

(b) EXPRESSION OF UNITED STATES CONCERNS.—The following events in El Salvador raise serious doubts about the commitment of the Government of El Salvador to the full observance of internationally recognized human rights.

(1) The brutal massacre of Fathers Ignacio Ellacuria, Segundo Montes, Ignacio Martin Baro, Juan Ramon Moreno, Amando Lopez, and Joaquin Lopez y Lopez as well as Julia Elba Ramos and Celina Marisela Ramos on November 16 at the Central American University.

(2) The death of ten trade unionists on November 11 following the bombing of National Trade Union Federation (FENASTRAS) headquarters.

(3) A pattern of systematic threats and arrests, and the ransacking of offices of opposition parties, labor unions, and popular organizations which has forced members of these organizations into hiding or exile.

(4) The harassment, mass arrests, and expulsions of foreign religious workers.

(5) The extension of the state of emergency by the Government of El Salvador on January 12, 1990, for an additional 30 days which continues the suspension of certain due process rights and civil liberties since November 12, 1989.

(c) PROHIBITION.—(1) No United States assistance may be made available to the Government of El Salvador beginning 60 days from the date of enactment of this Act and every 120 days thereafter, for periods of 120 days each, unless the President determines and reports in writing before the beginning of each such period to the Speaker of the House of Representatives and the Chairman of the Foreign Relations Committee of the Senate that the Government of El Salvador has demonstrated by its actions full observance of internationally recognized human rights and specifically that that Government has—

(A) made significant progress in bringing to trial and obtaining a conviction of all those individuals within the Salvadoran military and any other persons directly or indirectly responsible for the murders of the Jesuits and others at the Central American University on November 16, 1989;

(B) made significant progress in investigating, bringing to trial, and obtaining a conviction against all those persons directly or indirectly responsible for the deaths resulting from the bombing of the FENASTRAS headquarters;

(C) adopted appropriate measures to ensure that offices and homes of members of the political opposition, labor unions, and Salvadoran church and humanitarian organizations are not arbitrarily searched by Salvadoran military and security forces and that members of such organizations are permitted to carry out their activities free from government harassment and intimidation;

(D) permitted members of foreign religious organizations who seek to undertake religious and humanitarian activities in El Salvador to enter the country and carry out their work unimpeded by Salvadoran Government officials or members of the military; and

(E) made every effort to lift the state of emergency first instituted on November 11, 1989, at the earliest possible date, consistent with the national security imperatives of El Salvador;

(2) In making the determinations under paragraph (1), the President should consult with appropriate human rights organizations which monitor the human rights situation in El Salvador, such as the United Nations Commission on Human Rights, the Inter-American Commission on Human Rights, Amnesty International, and America's Watch.

(d) CONGRESSIONAL REVIEW.—(1) The prohibition on assistance contained in subsection (c) shall apply without regard to the submission of a presidential report under that subsection if, within 30 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of such report, the Congress enacts a joint resolution described in paragraph (3) of this subsection.

(2)(A) Any joint resolution under paragraph (1) shall be considered in the Senate in accordance with section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that paragraph (3) of such section (relating to the discharge of committee consideration) shall not apply.

(B) For the purpose of expediting the consideration and enactment of a joint resolution under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(3) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced after the date on which the presidential report of subsection (c) is received by the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the determination of the President that the Government of El Salvador has fully respected internationally recognized human rights.".

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (2); and

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

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

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

SUMMARY OF DODD PROPOSAL ON AID TO EL SALVADOR, FEBRUARY 8, 1990

Sets forth the following U.S. policy objectives with respect to El Salvador—

To promote a negotiated settlement of the conflict through mediation by the U.N. Secretary General; and to foster greater respect by the Government of El Salvador for human rights.

Conditions the provision of U.S. military assistance to the Government of El Salvador on that government's willingness to seek a negotiated settlement to the armed conflict and to accept the mediation role of the U.N. Secretary General;

Underscores U.S. commitment to the negotiating process by withholding 50% of U.S. military assistance which would otherwise be made available to the Government of El Salvador in each fiscal year beginning in FY 1990 unless—

The FMLN refuses to participate in negotiations or accept the mediation of U.N. Secretary General; or

The President certifies that military assistance being withheld is needed to counter offensive military operations which threaten the survival of the Cristiani Government.

Terminates all U.S. economic and military assistance to the Government of El Salvador in the event of the overthrow of the Cristiani Government;

Conditions the provision of U.S. economic and military assistance to El Salvador (except for certain types of humanitarian assistance) on periodic determinations by the President that the Government of El Salvador—

Has demonstrated full observance of internationally recognized human rights;

Has made significant progress in bringing to justice those responsible for the murders of the six Jesuits and others at the Central America University and trade unionists killed by the bombing of FENASTRAS headquarters;

Has ended political harassment of members of the political opposition, and intimidation of Salvadoran and foreign church groups and popular organizations undertaking humanitarian efforts;

Is committed to lifting the state of emergency at the earliest possible date.

Provides for Congressional disapproval of the Presidential determination by joint resolution, under expedited procedures.●

By Mr. DANFORTH:

S. 2126. A bill to continue the temporary suspension of duty on terfenadone; to the Committee on Finance.

S. 2127. A bill to continue the temporary suspension of the duty on nicotine resin complex; to the Committee on Finance.

CONTINUATION OF CERTAIN DUTY SUSPENSIONS

● Mr. DANFORTH. Mr. President. Today I am introducing two miscellaneous tariff bills. The first would extend temporarily the existing suspension of duty on terfenadone, which is the active ingredient used in the manufacture of an orally administered, nonsedating antihistamine. The second would extend temporarily the existing suspension of duty on nicotine resin complex, which, when made up into dosage form, is a prescription drug used as an antismoking aid. I ask unanimous consent that the text of both bills be printed in full in the RECORD following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heading 9902.29.74 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

S. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heading 9902.30.04 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out "12/31/90" and inserting in lieu thereof "12/31/92".●

By Mr. KERRY:

S. 2128. A bill to direct the Secretary of Veterans Affairs to establish and maintain a Comprehensive Services Program for Homeless Veterans; to the Committee on Veterans' Affairs.

COMPREHENSIVE SERVICES PROGRAM FOR HOMELESS VETERANS

● Mr. KERRY. Mr. President, the Comprehensive Services Program for Homeless Veterans Act of 1990, which I am introducing today, addresses the tragedy of homelessness among America's veterans, and establishes a number of programs that will help those who served their country courageously, and subsequently have not received adequate help in readjusting to civilian life.

Yesterday, my colleague, Representative JOE KENNEDY introduced this bill in the House. He has provided outstanding leadership on the disheartening problem of homelessness, and I look forward to working with him on moving this legislation through Congress.

Homelessness is often the last chapter in a story of chronic illness, decreased working ability and depleted savings. The fact that veterans, and Vietnam era veterans in particular, are prone to this kind of life is borne out in the sorry statistics that we have on the homeless. The National Coalition for the Homeless puts the number of homeless in the United States at 3 million. Of those, between 135,000 and 400,000 are veterans. In Boston, the total number of homeless is estimated at 3,400, with at least 1,000 being veterans.

In order to help homeless veterans, we need to know where they are and who they are. The Comprehensive Services for Homeless Veterans Act therefore requires the directors of the VA medical centers to determine the number of homeless veterans in their areas, and the amount and nature of care provided to homeless veterans at the VA medical centers.

This bill also establishes a number of programs that will complement already existing services, such as the Homeless Chronically Mentally Ill Program, and the Domiciliary Care Program.

The Comprehensive Services for Homeless Veterans Act will establish three types of housing programs. The first is the establishment of groups homes run by the Veterans' Administration, preferably on VA medical center grounds. The group homes would provide a structured living environment for homeless vets with chronic mental illness, or those recovering from alcohol or drug abuse. The residents would have to work, and pay rent according to their ability.

The second establishes a loan fund that will help nonprofit entities provide the first and last month's rent for housing for veterans recovering from substance abuse. This arrangement is ideal for homeless veterans that have come off of a detox program, and need peer pressure to stay off drugs. The groups homes would be drug free, and the veterans living there would have to pay their own rent, and remain drug free. They would also repay their loans on a monthly basis.

The third program is a monthly assistance payment for those vets who are working, but unable to find adequate housing within their means. The vets would pay 30 percent of their salary for rent, and the VA would make up the rest of the payment. This kind of assistance would aid those vets who are capable of taking care of themselves, are working, but still need some housing assistance to keep them off the streets.

The bill will also establish drop-in service centers, where homeless veterans can go for a warm meal, a shower, job counseling, and medical care. Dental, eye, and foot care, in particular will be expanded since these are the services most in demand by homeless vets. Because of the conditions in which they live, many homeless vets are unable to keep proper dental hygiene, and many would like to fill out the proper forms to get the help that they need, but they cannot see because they need eyeglasses. We hope to address this problem once and for all.

Finally, the bill will establish mobile support teams which will provide medical care and other services to hard-to-reach homeless veterans. The support team will reach homeless veterans who are in the soup kitchens, and on the park benches of this Nation, so that these veterans will cease to be alienated from the services they so badly need and deserve.

The tragedy of homelessness among veterans is a national disgrace and must end. For thousands of homeless veterans the fight is not over yet. Every day homeless vets face a struggle to survive the present, and they search for some hope in the future.

A quarter of a century after this Nation sent its first battalions of young men and women into war in Vietnam, it appears that we are finally willing to welcome them home again. But for some unfortunate thousands, a welcome mat is not enough. For the homeless men and women veterans of this Nation the legacy of war is sleepless nights, traumatic stress, nervous disorders, addictions and alienation.

The new welcome mat that is needed must include a real response to our homeless veterans.

No veteran should be denied basic rehabilitation and job training assistance.

No veteran should be denied society's best efforts to restore their physical and mental health, with use of the most up to date technology and treatment processes available.

No veteran should be turned away—no American should be turned away—from treatment when he or she is ready to battle addiction to drugs or alcohol.

Finally, no veteran should be denied shelter, or be callously told by society that there is "No room in the inn."

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

S. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Services Program for Homeless Veterans Act of 1990".

SEC. 2. COMPREHENSIVE SERVICES PROGRAM.

The Secretary shall establish and maintain a comprehensive services program to address fully the needs of homeless veterans through housing, medical care, vocational rehabilitation, transportation, and social services provided through—

(1) programs authorized by this Act;

(2) other programs administered by the Department of Veterans Affairs that provide services to homeless veterans; and

(3) coordinating, to the maximum extent practicable, the programs referred to in paragraphs (1) and (2) with other Federal, State, and local programs that provide services to homeless veterans.

SEC. 3. ASSESSMENT AND PLAN.

(a) ASSESSMENT.—As part of the comprehensive services program carried out under section 2, the Secretary shall require each director of a medical center of the Department of Veterans Affairs to carry out jointly with the benefits director of the region concerned an assessment, pursuant to uniform procedures and guidelines prescribed by the Secretary, of—

(1) the number of homeless people in the area served by each director and the percentage of such people who are veterans;

(2) the number of homeless people hospitalized in the medical center of such director during the two-year period ending on the date of the enactment of this Act, including the number hospitalized primarily because of housing-related problems;

(3) the nature and extent of services provided by the medical center of such director primarily for the benefit of the homeless (including outreach efforts);

(4) the number of staff assigned primarily to such services;

(5) the number of homeless veterans served during the months of highest demand for such services during the two-year period ending on the date of the enactment of this Act; and

(6) the extent and nature of cooperation carried out by the medical center and regional benefits office with other Federal agencies and State and local governments and other organizations in an effort to assist the homeless.

(b) PLAN.—(1) For each of the fiscal years 1991 through 1994, each such director shall—

(A) prepare jointly with the regional benefits director concerned and submit to the Secretary a plan, including a request for funding, for meeting the needs of homeless veterans in the area served by such director through the comprehensive services program referred to in section 2; or

(B) provide justification, with the concurrence of the regional benefits director, for not submitting such a plan and request.

(2) Each such plan shall—

(A) contain the services of such comprehensive services program that the medical director and the regional benefits director concerned have determined are most appropriate for the homeless veterans in the area to be served by the plan, along with a description of the manner in which funds available for carrying out such plan will be expended;

(B) provide for a multidisciplinary team of employees to implement the plan;

(C) be submitted to the Secretary by the date specified by the Secretary for each fiscal year;

(D) be approved by the Secretary as soon as practicable after it is submitted; and

(E) be amended as the director and the regional benefits director concerned, with the approval of the Secretary, determines necessary to meet most effectively and efficiently the needs of homeless veterans in the area concerned.

(c) FUNDING.—(1) The Secretary shall, from funds appropriated pursuant to the authorization in paragraph (2), provide funding to each director to carry out services provided pursuant to sections 4 through 9.

(2) There is authorized to be appropriated for carrying out sections 4 through 9 not to exceed $100,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

(3) Not more than $1,000,000 may be made available to any director for obligation and expenditure during any fiscal year to carry out such sections.

SEC. 4. DROP-IN SERVICE CENTERS.

(a) ESTABLISHMENT.—The Secretary shall provide for the establishment of outreach service centers for homeless veterans in areas where (as determined based upon assessments under section 3(a)) there are a significant number of homeless veterans. Each such center shall be in an appropriate location convenient to places where such veterans congregate and shall provide the services specified in subsection (c) on an unscheduled basis.

(b) STAFFING.—The Secretary shall ensure that not less than five full-time equivalent employees are assigned to each such center. Such employees shall be in addition to existing Department employees. Employees assigned or detailed to each such center shall include (on a full- or part-time basis) physicians, social workers, psychologists nurses, representatives of the Veterans Benefits Administration, vocational rehabilitation specialists, dentists, optometrists, and such other employees as the Secretary provides.

(c) SERVICES.—Each center under subsection (a) shall provide the following services to homeless veterans:

(1) Fostering of treatment relationships.

(2) Development of treatment readiness.

(3) Evaluation of eligibility for benefits from the Department of Veterans Affairs and other agencies and assistance in applying for such benefits.

(4) Medical and psychiatric evaluation and treatment.

(5) Counseling and referral to other services provided by the Department and other agencies.

(6) Meals.

(7) Hygiene facilities (including showers and laundry facilities).

(8) Assistance in seeking review and upgrading of the characterization of discharge from the Armed Forces.

(9) Counseling and assistance in obtaining employment or employment skills.

SEC. 5. MOBILE SUPPORT TEAMS.

(a) IN GENERAL.—The Secretary shall provide mobile support teams to assist in the provision of benefits under this Act. Such teams shall provide services through medically equipped vans and shall provide such services both in areas with a high percentage of homeless veterans and in rural areas without adequate access to Department medical services.

(b) SERVICES.—Such teams shall provide clinical care, case management, and monitoring services to homeless veterans and to veterans receiving housing assistance under this Act. Such vans may also be used to provide needed transportation services for homeless veterans and other veterans in connection with the provision of benefits under this Act and under title 38, United States Code.

SEC. 6. EXPANDED HEALTH SERVICES.

(a) DENTAL SERVICES.—Section 612(b)(1) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(H) from which a veteran who is homeless (as determined by the Secretary) is suffering.".

(b) OPTOMETRIC AND PODIATRIC SERVICES.—In providing medical services to homeless veterans under section 612 of title 38,

United States Code, the Secretary shall provide optometric and podiatric services without regard to the limitation in section 601(6)(A)(i) of such title limiting eligibility for such services to persons otherwise receiving care or services from the Secretary. The Secretary shall furnish such veterans with appliances, including eyeglasses, which optometric and podiatric examinations indicate are needed.

SEC. 7. HOUSING ASSISTANCE PAYMENTS.

(a) IN GENERAL.—To the extent provided in the approved plan submitted by a director under section 3(b), such director shall use funds that are received from the Secretary under section 3(c) to make monthly assistance available for housing for homeless veterans, and their families, described in subsection (d)(1)(B).

(b) REGULATIONS.—The Secretary shall prescribe regulations for carrying out this section after consultation with Federal, State, and local officials and other individuals with significant expertise in housing.

(c) AMOUNT OF PAYMENT.—The monthly assistance payment for any homeless veteran under this section shall be the amount by which the fair market rental payment standard for the area, as determined by the Secretary, exceeds 30 percent of the monthly income of the household of the homeless veteran, as determined by the Secretary.

(d) CONDITIONS.—(1) Assistance under this section—

(A) may not be made available for more than a one-year period for any homeless veteran, except that the director of the medical center concerned shall extend such period for any veteran in good standing until the veteran is able to obtain alternative affordable, decent, safe, and sanitary housing;

(B) may be made available only to homeless veterans who—

(i)(I) are employed at least 18 hours a week; or

(II) are involved in the compensated work therapy program or other employment program conducted, administered, or approved by the Department of Veterans Affairs; and

(ii) maintain some other regular periodic contact with an employment, counseling, or training program administered by such Department; and

(C) may be made available only with respect to housing that meets State and local housing codes and regulations.

(2) Each director shall—

(A) provide for regular visits by a counselor to each housing unit with respect to which assistance is paid under this section; and

(B) take steps to ensure that the conditions described in subparagraphs (A) and (B) of section 9(a)(4) are maintained in each housing unit for which assistance is provided under this section.

SEC. 8. GROUP HOMES MAINTAINED BY DVA.

(a) IN GENERAL.—(1) To the extent provided in the approved plan submitted by a director under section 3(b), such director shall use funds that are received from the Secretary under section 3(c) and amounts in the fund described in paragraph (2)(F) to establish and maintain a program, to be carried out in accordance with guidelines described in subsection (b), for the provision of housing owned or leased by the Department of Veterans Affairs in which veterans with chronic mental illness or who are recovering from alcohol or drug abuse may reside.

(2) In carrying out such program, each director shall—

(A) provide that assistance be made available only to veterans, with a priority being given to homeless veterans, who—

(i) are employed at least 18 hours a week; or

(ii) are involved in the compensated work therapy program or other employment program conducted, administered, or approved by the Department of Veterans Affairs;

(B) to the maximum extent practicable, use residential housing located on the grounds of the medical center;

(C) provide that the manager of the housing is a veteran and resides therein;

(D) provide for substance abuse and other kinds of appropriate counseling in the housing;

(E) provide that—

(i) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited; and

(ii) any resident of the housing who violates such prohibition will be expelled from the housing;

(F) provide that the veterans residing in the housing made available under this section pay rent to the extent of their ability to pay, such payments to be deposited in a fund in the Treasury of the United States that the Secretary shall use to carry out this section; and

(G) provide that such housing is in compliance with State and local housing codes and regulations.

(b) GUIDELINES.—The Secretary shall ensure that each program carried out under subsection (a) is administered, to the maximum extent practicable, in accordance with the guidelines issued under section 1916A(c) of the Public Health Service Act, with the Department of Veterans Affairs performing the functions that the nonprofit private entity performs under such guidelines.

SEC. 9. GROUP HOMES THROUGH NONPROFIT PRIVATE ENTITIES.

(a) IN GENERAL.—To the extent provided in the approved plan submitted by a director under section 3(b), such director shall use funds that are received from the Secretary under section 3(c) to—

(1) establish and maintain a revolving fund to make loans for the costs of establishing programs, to be carried out in accordance with guidelines described in subsection (b), for the provision of housing in which homeless veterans having chronic mental illness or who are recovering from alcohol or drug abuse may reside in groups of not less than four individuals;

(2) ensure that each loan made from the revolving fund does not exceed $4,000 and that each such loan is repaid to the revolving fund not later than two years after the date on which the loan is made;

(3) ensure that each such loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved; and

(4) ensure that such loans are made only to nonprofit private entities, approved by the Secretary, agreeing that, in the operation of the program established pursuant to the loan—

(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

(B) any resident of the housing who violates such prohibition will be expelled from the housing;

(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

(D) the residents of the housing will, through a majority vote of the residents, establish other policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

(b) GUIDELINES.—The Secretary shall ensure that each program carried out under subsection (a) is administered, to the maximum extent practicable, in accordance with the guidelines issued under section 1916A(c) of the Public Health Service Act.

SEC. 10. EVALUATIONS AND REPORTS.

(a) EVALUATIONS.—(1) Taking into consideration the purposes of the comprehensive services program referred to in section 2, the Secretary shall, for each of the fiscal years 1991 through 1994, carry out an evaluation of such program as it was carried out during such fiscal year.

(2) Taking into consideration such purposes, the Secretary shall, at the end of fiscal year 1994, carry out an evaluation of the such comprehensive services program as it was carried out during fiscal years 1991 through 1994.

(b) REPORTS.—(1) Within 90 days after the end of each of the fiscal years 1991 through 1994, the Secretary shall transmit to the Congress a report containing the findings and conclusions made by the Secretary as a result of the evaluation carried out under subsection (a)(1) for the fiscal year concerned.

(2) Within 120 days after the end of fiscal year 1994, the Secretary shall transmit to the Congress a report containing the findings and conclusions made by the Secretary as a result of the evaluation carried out under subsection (a)(2).

SEC. 11. ACCEPTANCE OF DONATIONS.

The Secretary may accept services and equipment (including motor vehicles) donated for the purposes of sections 4, 5, and 6.

SEC. 12. DEFINITIONS.

In this Act:

(1) The term "director" means a director of a medical center of the Department of Veterans Affairs.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

(3) The term "veteran" has the same meaning given such term by section 101(2) of title 38, United States Code.●

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. BOREN, Mr. COCHRAN, Mr. DOLE, Mr. GARN, Mr. GRASSLEY, Mr. HEFLIN, Mr. LOTT, Mr. METZENBAUM, AND Mr. RIEGLE):

S.J. Res. 255. Joint resolution designating the 1990 filing season, to be celebrated as the "20th Anniversary of the IRS-Sponsored Volunteer Programs Season"; to the Committee on the Judiciary.

THE 20TH ANNIVERSARY OF THE IRS-SPONSORED VOLUNTEER PROGRAMS SEASON

Mr. PRYOR. Mr. President, I am pleased to introduce today a Senate joint resolution designating the 1990 filing season as the "20th Anniversary of IRS-Sponsored Volunteer Programs Season." These programs and the volunteers who participate are directly responsible for helping millions of elderly, handicapped, low-income, and non-English speaking people fill out and file their income tax returns.

On behalf of these millions of taxpayers I want to personally thank all the fine individuals who volunteer to help them comply with our overly complex tax laws.

I want to encourage the Internal Revenue Service to not only continue with the volunteer programs but to expand on them where possible. We often hear of the need to increase the size of the IRS to enforce greater compliance. Just this year Congress is increasing the IRS's budget so they may increase the auditing and collection departments. The role of IRS-sponsored volunteer programs is certainly no less important, and they care.

I commend all volunteers for their service, and I urge the U.S. Congress to unanimously support this resolution.

By Mr. SIMON (for himself, Mr. WARNER, Mr. GORTON, Mr. DURENBERGER, Mr. COCHRAN, Mr. PELL, Mr. MITCHELL, Mr. MATSUNAGA, Mr. DOMENICI, Mr. BRADLEY, Mr. ADAMS, Mr. DIXON, Mr. SHELBY, Mr. PRESSLER, Mr. PRYOR, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. STEVENS, Mr. CONRAD, Mr. DOLE, Mr. JEFFORDS, Mr. CRANSTON, Mr. HEFLIN, and Mr. DODD):

S.J. Res. 256. Joint resolution to designate the week of October 7, 1990, through October 13, 1990, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

● Mr. SIMON. Mr. President, I rise today, along with 20 of my distinguished colleagues, to introduce a joint resolution designating the week of October 7, 1990, through October 13, 1990, as "Mental Illness Awareness Week."

Congress has for the past 5 years designated this week as Mental Illness Awareness Week. The goal of this resolution is to educate the American public about the stigma surrounding mental illness. Two groups that have led in the effort to educate the American public have been the American Psychiatric Association, and the National Alliance for the Mentally Ill.

According to a recent report published in the "Archives of General Psychiatry" one in five Americans suffers from a psychiatric problem. A closer examination of various subgroups reveals that 15 to 25 per cent of the elderly suffer from significant symptoms of mental illness, approximately 12 million children under the age of 18 suffer from serious mental disorders, and 15 percent of all Americans will suffer a major depressive disorder during their lifetime.

Although the great majority of homeless individuals do not suffer from psychiatric problems, almost one third of homeless individuals, many of whom have been discharged from hospitals and receive inadequate followup services, suffer from psychiatric disorders.

The prevalence of psychiatric disorders has a massive effect upon our society. The direct treatment costs and indirect costs from lost productivity associated with mental illness are in the billions of dollars. Our total Federal expenditure on research into the causes and treatment of mental illness is less than $400 million. The treatment and prevention of mental disorders require greater research in this area.

On a per-patient basis, we spend fewer dollars on research into schizophrenia and depression than we do on muscular dystrophy and multiple sclerosis. That is not to say that we should spend less in these areas, but rather that we must allocate greater funds in all the health areas. I believe we can do better.

The human tragedies associated with mental illness are revealed each day in the newspaper, television, or films. Yet, we do not really grasp the severity of the problem until it affects someone close to us. It is at this point that the stigma attached to mental illness becomes a reality.

This resolution attempts to educate our citizens and to eliminate the myths associated with mental illness. People struggling with mental illness are not evil persons nor are they individuals who do not possess the fortitude to survive in society. Public apathy surrounding the seriousness of mental illness must be overcome if we are to solve this problem.

I ask my colleagues to join in this effort by cosponsoring this joint resolution.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 419

At the request of Mr. SIMON, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 619

At the request of Mr. SARBANES, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 656

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 656, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 1384

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1405

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1405, a bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1600

At the request of Mr. FORD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1624

At the request of Mr. THURMOND, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Illinois [Mr. DIXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. SIMON], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1624, a bill to grant a Federal charter to the National Association of Women Veterans, Inc.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1971

At the request of Mr. THURMOND, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1971, a bill to estab-

lish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 1978

At the request of Mr. GLENN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1978, a bill to establish as an executive department of the Government a Department of Industry and Technology, to establish within such Department the Advanced Civilian Technology Agency, to add the Secretaries of the Treasury and Industry and Technology and the U.S. Trade Representative to the National Security Council, and for other purposes.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. STEVENS], the Senator from Wisconsin [Mr. KOHL], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 2003, a bill to establish a Commission to advise the President on proposals for national commemorative events.

S. 2006

At the request of Mr. GLENN, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2012

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2012, a bill to amend the Employee Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans.

S. 2019

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. HARKIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2021

At the request of Mr. DOLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2025

At the request of Mr. HEINZ, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2025, a bill to amend the Internal Revenue Code of 1986 to make permanent certain expiring tax provisions.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from Utah [Mr. HATCH] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2041

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2053

At the request of Mr. DANFORTH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2053, a bill to amend certain provisions of title 5, United States Code, to provide for an increased maximum rate of pay for specially qualified scientific and professional personnel, and for other purposes.

S. 2056

At the request of Mr. HARKIN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans, and for other purposes.

S. 2069

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2069, a bill to provide an 18-month moratorium on employer revisions upon termination of single-employer defined benefit pension plans.

S. 2093

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. BRYAN], the Senator from California [Mr. CRANSTON], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2093, a bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

S. 2104

At the request of Mr. KENNEDY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. GLENN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2104, a bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

SENATE JOINT RESOLUTION 106

At the request of Mr. DANFORTH, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 106, a joint resolution to authorize a commemorative stamp to be issued on January 18, 1991, to honor Doctor Thomas Anthony Dooley III, and commemorate the 30th anniversary of his death.

SENATE JOINT RESOLUTION 228

At the request of Mr. FORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 228, a joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 229

At the request of Mr. CRANSTON, the names of the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. METZENBAUM], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. BREAUX], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 235

At the request of Mr. HUMPHREY, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 236

At the request of Mr. WILSON, the names of the Senator from Indiana [Mr. COATS], the Senator from Colorado [Mr. WIRTH], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. BRADLEY], the Senator from Texas [Mr. BENTSEN], the Senator from Washington [Mr.

ADAMS], the Senator from Alabama [Mr. SHELBY], the Senator from Massachusetts [Mr. KERRY], the Senator from West Virginia [Mr. BYRD], the Senator from Illinois [Mr. SIMON], the Senator from Idaho [Mr. SYMMS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 236, a joint resolution designating May 6 through 12, 1990, as "Be Kind to Animals and National Pet Week."

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. GORTON], the Senator from Nevada [Mr. REID], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. WILSON], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 243

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 250

At the request of Mr. CHAFEE, the names of the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. BURDICK], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. BRYAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. BUMPERS], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alabama [Mr. HEFLIN], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from Kentucky [Mr. FORD], the Senator from Illinois [Mr. DIXON], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Washington [Mr. GORTON], the Senator from Idaho [Mr. SYMMS], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. GARN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Vermont [Mr. JEFFORDS], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 250, a joint resolution designating April 1990 as "National Recycling Month."

SENATE RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. BENTSEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Resolution 227, a resolution appointing a committee to notify the President concerning the proposed adjournment of the session.

SENATE RESOLUTION 239

At the request of Mr. DECONCINI, the names of the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

SENATE CONCURRENT RESOLUTION 92—COMMEMORATING THE TREATY OF AMITY AND COMMERCE OF 1833 BETWEEN THE UNITED STATES AND THAILAND

Mr. HATCH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 92

Whereas the Treaty of Amity and Commerce signed on March 20, 1833, between Thailand and the United States was the first treaty between the United States and an Asian nation and was the genesis of a long and friendly relationship between Thailand and the United States;

Whereas Thailand has been a beacon of independence, a friend of freedom, and a support to the United States through the years of adversity and prosperity for both countries;

Whereas Thailand continues to be a friend to the United States and strives to lead Southeast Asia to a new measure of economic liberty and accomplishment; and

Whereas the United States reaffirms its commitment to conduct relations with Thailand in a manner consistent with the spirit and letter of the Treaty of Amity and Commerce, to promote the friendly relations and good will traditionally existing between the United States and Thailand, and to encourage mutually beneficial trade and closer economic and cultural cooperation between their peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and commemorates the one hundred fifty-seventh anniversary of the conduct of official relations between Thailand and the United States.

Mr. HATCH. Mr. President, I rise today to introduce a concurrent resolution commemorating the 157th anniversary of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand. This treaty was the first of its kind between the United States and an Asian nation.

The United States has had close relations with Thailand dating back before 1833 when this treaty was signed. Scores of teachers, Christian missionaries, and medical personnel were instrumental in the 19th century in building schools, churches, and leprosy clinics and hospitals throughout the Kingdom, often working in close consultation with the Chakri Dynasty of kings, including the current monarch, King Bhumibhol Adulyadej, who was born in Boston while his father attended Harvard Medical School. Americans helped bring Thailand its first X-ray machine and printing press.

While there have been successors to the 1833 Treaty of Amity and Commerce which have been accorded status as the ruling documents of diplomacy between our two countries, I would like to emphasize that this particular treaty was the foundation for 157 years of close personal and political friendships. The United States and Thailand have reaffirmed their com-

mitment to conduct bilateral relations in a manner consistent with the spirit of this treaty.

Thailand is a proud nation. Its culture and government go back thousands of years, and it is the only nation in southeast Asia that was never colonized. For this reason, our long friendship holds a special significance in the region. I believe that as we approach the 21st century it is important to recognize our old, close friends throughout the world.

I am sure that my colleagues are aware of the current differences of opinion we have with Thailand over a number of trade-related issues. I hope that this resolution will help to remind us that Thailand is a long-time friend to the United States and prompt us to work together to solve these problems in a manner befitting our long and cordial friendship. I urge my colleagues to support this resolution.

SENATE RESOLUTION 243—RELATING TO THE ALLOCATION OF ANY PEACE DIVIDEND

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 243

Whereas the national debt rose from $834,000,000,000 in 1980 to $2,300,000,000,000 at the end of the decade;

Whereas the Federal deficit rose from $74,000,000,000 in 1980 to $152,000,000,000 in 1989;

Whereas the deficit would be $202,000,000,000 in 1989 if the Social Security surplus were removed from the calculations of the budget deficit;

Whereas financing the budget deficit is consuming an increasing portion of the Federal budget—14 percent in fisal year 1991;

Whereas nondefense discretionary spending has declined 18 percent in real terms between 1980 and 1989;

Whereas every major national poll since 1986 has ranked drugs as the most important problem facing the country;

Whereas a National Institute of Justice study found that between 50 percent and 80 percent of males arrested for serious crimes in 12 of America's largest cities tested positive for illegal drugs during the past 2 years;

Whereas a nationwide survey conducted last year for the Office of Substance Abuse and Prevention found that problems resulting from drug use occurred, on average, in 11 percent of women delivering babies;

Whereas 70 percent of the babies born with AIDS have mothers who are IV drug abusers or have partners who are IV drug abusers;

Whereas less than 50 percent of our Nation's children are exposed to any kind of drug education curriculum; and

Whereas the political climate in the Soviet Union and Eastern Europe has changed radically in the past year obviating the need for continued high defense expenditures which now comprise 25 percent of the Federal budget: Now, therefore, be it

Resolved, That it is the sense of the Senate that any "Peace dividend" realized by reducing defense expenditures should be reallocated in the following manner in fiscal year 1991:

(1) 50 percent for deficit reduction;

(2) 20 percent for anti-drug programs split evenly between supply (interdiction and enforcement) and demand (education and treatment).

(3) 25 percent for high priority domestic spending programs such as education, the environment, child nutrition, health care, the homeless, and veterans; and

(4) 5 percent to support continued democratization in the nations of Eastern Europe.

● Mr. DECONCINI. Mr. President, the great treasure hunt of the 1990's appears to be the peace dividend. No one knows if there will, in fact, be a peace dividend, let alone the amount, yet everyone is joining in the quest. Today I am submitting a resolution outlining my views on how any peace dividend savings should be allocated.

My resolution is very simple. It proposes that any peace dividend realized from reductions in defense spending be allocated in the following manner:

First, 50 percent to deficit reduction. It is my view that the dificit is our number one problem. Interest payments to finance the deficit now consume 14 percent of total Government expenditures. That is simply an unacceptable waste of resources. Until we solve the deficit problem, we will not have the necessary resources to devote to other high priority problems which desperately need attention. For that reason, I believe that half of any peace dividend should be targeted on deficit reduction.

Second, 20 percent on antidrug efforts. Every poll since 1986 shows that the American public considers drugs our number one problem. In every poll—every one—Americans are all saying the same thing: The drug crisis is the most important problem facing the country. No other issue even comes close—not homelessness, not poverty, not nuclear war. Therefore, this resolution provides that 20 percent of any peace dividend be allocated to fight the war on drugs, with half targeted on drug interdiction and law enforcement and the remaining half targeted for drug education and treatment programs.

Third, 25 percent on high priority domestic discretionary programs. There is almost universal consensus that inadequate Government resources are available to meet the pressing needs confronting society today. Domestic discretionary spending has declined 18 percent in real terms during the period 1980-89. The United States ranks 14th among 16 industrialized nations of the world in relative spending on education in grades K through 12. Between 31 and 37 million Americans have no health care coverage at all, including 12 million children. The environment is deteriorating at an alarming rate; our infrastructure is in disrepair; the number of homeless is escalating at an alarming rate, and those who have served the nation honorably are being turned away from our veterans' hospitals. Therefore, I suggest that 25 percent of any peace dividend be allocated among high priority domestic spending programs such as those mentioned in this resolution. I do not intend that the reallocation of these funds be limited to only those programs mentioned in my resolution. I do intend that the funds be targeted on high priority domestic spending programs.

Fourth, 5 percent should be allocated to support continued democratization in the nations of Eastern Europe. We are living in a truly historic era. In less than a year, a democratic government has been installed in Poland; the Berlin Wall has come tumbling down; the Iron Curtain has been removed, and the forces of democratic reform are marching across Eastern Europe. Unfortunately, the United States has been slow to respond to the changes that have been sweeping across the nations of Eastern Europe. If the United States is to maintain its role as the leader of the free world, then it must have the resources available to support these fledgling democracies. Therefore, my resolution proposes that the remaining 5 percent of any peace dividend be reallocated to support the process of democratization in Eastern Europe.●

SENATE RESOLUTION 244—URGING THE PRESIDENT TO PROMOTE CHEMICAL DIVERSION LAWS AT THE DRUG SUMMIT

Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. DECONCINI, Mr. D'AMATO, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. PRYOR); submitted the following resolution which was considered and agreed to:

S. RES. 244

Whereas, President Bush has announced his intentions to represent the United States at the drug summit in Bogota, Colombia on February 15, 1990, thus lending the summit high-level credibility;

Whereas solving the drug abuse problem in the United States is universally acknowledged as our greatest domestic challenge;

Whereas the United States Government spent $9.4 billion in fiscal year 1990 for anti-drug abuse programs;

Whereas it is estimated that 250,000 babies will be born suffering effects from their mothers' drug use during pregnancy;

Whereas from January to June 1989 more than 117,000 persons were treated in emergency rooms for narcotics;

Whereas a National Institute of Justice study determined that 80 percent of males arrested for violent crimes in Washington, DC., New York City, Philadelphia, and San Diego, tested positive for illegal drug use;

Whereas it is widely known that chemicals are critical in the processing of illegal narcotics, that chemicals produced worldwide are shipped to Colombia, and that more

than 40 percent of these chemicals are being diverted to the drug cartels;

Whereas the United States took positive action in 1988 by passing the Chemical Diversion and Trafficking Act which gives the Drug Enforcement Administration the authority to stop shipments of chemicals not destined for legitimate industrial, commercial, or scientific use; and

Whereas although the United States and 76 other countries signed the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, only four countries, the United States, the Bahamas, Nigeria, and China, have ratified the Convention: Now, therefore, be it

Resolved, That the Senate commends President Bush for his courage and initiative in agreeing to represent the United States at the drug summit in Colombia on February 15, 1990 and urges the President to include among the steps he takes at the drug summit, efforts to promote the enactment and enforcement of chemical diversion laws, including—

(1) requesting all countries to ratify the United Nations Convention Against Illicit Traffic in Narcotic Drugs;

(2) requesting all countries to enact laws as strong as the United States chemical diversion laws;

(3) working with Colombian, Bolivian, and Peruvian authorities, many of whom risk their lives everyday, to provide full cooperation with their drug enforcement officials to eliminate the diversion of chemicals in their countries; and

(4) encouraging the Colombians to institute internal licensing requirements to control the flow of chemicals.

AMENDMENTS SUBMITTED

HATE CRIME STATISTICS ACT

HATCH (AND OTHERS) AMENDMENT NO. 1250

Mr. HATCH (for himself, Mr. SIMON, and Mr. HELMS) proposed an amendment to the bill (S. 419) to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation, as follows:

At the end of the bill insert the following:

(a) Congress finds that:

1. The American family life is the foundation of American society,

2. Federal policy should encourage the well-being, financial security, and health of the American family,

3. Schools should not deemphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.

HELMS AMENDMENT NO. 1251

Mr. HELMS proposed an amendment to the bill S. 419, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . It is the sense of the Senate that—

(1) the homosexual movement threatens the strength and the survival of the American family as the basic unit of society;

(2) State sodomy laws should be enforced because they are in the best interest of public health;

(3) the Federal government should not provide discrimination protections on the basis of sexual orientation; and

(4) school curriculums should not condone homosexuality as an acceptable lifestyle in American society.

CLEAN AIR ACT AMENDMENTS

McCONNELL AMENDMENTS NOS. 1252 THROUGH 1254

(Ordered to lie on the table.)

Mr. McCONNELL submitted three amendments intended to be proposed by him to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

AMENDMENT NO. 1252

The Administrator of the EPA, the Secretary of Energy, the Secretary of Labor, and other appropriate officials, shall meet periodically to review the progress towards achieving the emission reduction goals as defined under the acid rain title of this bill, the direct impacts of the acid rain title on employment, and the impact of the program on the ability of the country to cost effectively meet future electricity demand. The findings of this review shall be made available to Congress.

AMENDMENT NO. 1253

The President shall provide a report to the Energy and Natural Resources Committee of the Senate and the Energy and Commerce Committee of the House of Representatives within 90 days of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies.

AMENDMENT NO. 1254

The President shall create the "United States-Canada Acid Rain Compliance Commission." The Commission shall consist of the Secretary of State, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and other persons the President deems appropriate.

The Commission shall annually assess and analyze developments related to the Canadian acid rain control program and assess the progress of the Canadian Provinces in meeting the goals of the program. The Commission will submit a written report of its findings to Congress.

The report to Congress shall include, for each year, the current emission levels of sulfur dioxide and oxides of nitrogen in each of the provinces participating in Canada's acid rain control program, the amount emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the cost to each province of making and maintaining those reductions, and the increase or decrease of trans-boundary flows of sulfur dioxide and oxides of nitrogen from Canada to the United States and from the United States to Canada.

Beginning in 1994, the report shall also assess the compliance of each province in meeting its stated emissions cap.

DECONCINI AMENDMENT NO. 1255

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1630, supra, as follows:

At the end of the bill insert the following:

SEC. . ESTABLISHMENT OF PROGRAM TO MONITOR AND IMPROVE AIR QUALITY IN REGIONS ALONG THE BORDER BETWEEN THE UNITED STATES AND THE UNITED STATES OF MEXICO.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") is authorized, after consultation with the Department of State and the affected States, to negotiate with representatives of the United States of Mexico to establish a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico. The program established under this section shall be conducted for a period of 60 months beginning on July 1, 1990.

(b) MONITORING AND REMEDIATION.—

(1) MONITORING.—The monitoring component of the program conducted under this section shall identify and determine sources of pollutants for which National ambient air quality standards (hereinafter referred to as "NAAQS") and other air quality goals have been established in regions along the border between the United States and the United States of Mexico. Such monitoring component of the program shall include, but not be limited to, the collection of meteorological data, the measurement of air quality, the compilation of an emissions inventory, and shall be sufficient to the extent necessary to successfully support the use of a state-of-the-art mathematical air modeling analysis. Such monitoring component of the program shall collect and produce data projecting the level of emission reductions necessary in both the United States of Mexico and the United States to bring about attainment of both primary and secondary NAAQS, and other air quality goals, in regions along the border in the United States. Such monitoring component of the program shall include to the extent possible, data from monitoring programs undertaken by other parties.

(2) REMEDIATION.—The Administrator is authorized to negotiate with appropriate representatives of the United States of Mexico to develop joint remediation measures to reduce the level of airborne pollutants to achieve and maintain primary and secondary NAAQS, and other air quality goals, in regions along the border between the United States and the United States of Mexico. Such joint remediation measures may include, but not be limited to measures included in the Environmental Protection Agency's Control Techniques and Control

Technology documents. Such remediation program shall also identify those control measures implementation of which in the United States of Mexico would be expedited by the use of material and financial assistance of the United States. With respect to those control measures identified as requiring funding of the United States for projects within the United States of Mexico, the Administrator shall attempt to the maximum extent practicable to utilize resources of the United States of Mexico that would offset costs of the United States in implementing joint remediation measures under this section. Such joint remediation measures shall be included as enforceable control strategies in the State Implementation Plan (S.I.P) for the respective non-attainment area.

(c) STUDY AND REPORTS.—

(1) GAO STUDY.—The Comptroller General of the General Accounting Office shall, conduct a study and issue a report to Congress not later than January 1, 1994, on the program conducted under this section. Such study shall—

(A) summarize the project to date,

(B) make recommendations on ways to improve the program; and

(C) make recommendations on the advisability of continuing the program or expanding the program to include Canada and other nations.

(2) REPORT OF ADMINISTRATOR.—The Administrator shall, not later than July 1, 1991, and each year thereafter during the operation of the program described in this section, report to Congress on the progress of the program in bringing nonattainment areas along the border of the United States into attainment with primary and secondary NAAQS. The report issued by the Administrator under this paragraph shall include recommendations on funding mechanisms to assist in implementation of monitoring and remediation efforts.

(d) FUNDING AND PERSONNEL.—The Administrator shall, where necessary, make available such funds, personnel, and equipment as may be necessary to implement the provisions of this section. In those cases where direct financial assistance of the United States is provided to implement monitoring and remediation programs in the United States of Mexico, the Administrator shall develop grant agreements with appropriate representatives of the United States of Mexico to assure the accuracy and completeness of monitoring data and the performance of remediation measures which are financed by the United States. Such funding agreements shall include authorization for the Administrator to—

(1) review and agree to plans for monitoring and remediation;

(2) inspect premises, equipment and records to insure compliance with the agreements established under and the purposes set forth in this Act; and

(3) where necessary, develop grant agreements with affected States to carry out the provisions of the Act.

(e) CONSIDERATION OF FACTORS IN NONATTAINMENT AREAS.—When approving State Implementation Plans (S.I.P.'s) for nonattainment areas (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)), the Administrator shall take into account the impacts of the sources of pollutants coming from the United States of Mexico and the role of the United States in developing monitoring and remediation plans with the United States of Mexico to bring about attainment of both primary and secondary NAAQS and other air quality goals in regions along the border in the United States.

BREAUX AMENDMENT NO. 1256

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill S. 1630, supra, as follows:

On page 288, beginning with line 15, strike out all through line 14 on page 290 and insert in lieu thereof the following:

FLEET VEHICLES

SEC. 207. The Clean Air Act is amended by inserting immediately after section 212 the following new section:

"CLEAN ALTERNATIVE FUELS AND FLEET VEHICLES

"SEC. 212A. (a) As used in this title—

"(1) The term 'clean alternative fuel' includes methanol (including a mixture containing 85 percent methanol by volume), ethanol, natural gas, liquified petroleum gas, reformulated gasoline, electricity or other motor vehicle fuel or power source if such other fuel or power source has comparably low emissions, as determined under regulations of the Administrator.

"(2) The term 'clean-fuel vehicle' means any light-duty vehicle, light-duty truck, or other vehicle that—

"(A) can operate on clean alternative fuel, and

"(B) when operated on clean alternative fuel complies with emissions standards (as prescribed by regulations of the Administrator) that require substantially lower—

"(i) ozone-producing volatile organic compound emissions, and

"(ii) total air toxic emissions,

than are emitted from conventional gasoline fueled or diesel fueled vehicles in compliance with applicable standards prescribed under this Act.

"(3) The term 'ozone-producing volatile organic compound emissions' includes tailpipe, evaporative, refueling, and running loss emissions.

"(4) The term 'air toxic emissions' includes emissions of substances listed as hazardous air pollutants under section 112(b).

"(5) The term 'light-duty truck' has the meaning provided under regulations of the Administrator promulgated under section 202(a).

"(6) The term 'fleet vehicle' means any light-duty vehicle or light-duty truck fueled and maintained at a central facility or facilities in the normal course of business.

"(7) The term 'covered fleet operator' means any person who, on or after December 31, 1989, controls the operation of 10 or more fleet vehicles registered in, or primarily operating in, any area designated as nonattainment for ozone under part D and having a 1988 design value for ozone at or above 0.18 parts per million; and who, on or after such date, provides a facility or facilities for the central refueling and maintenance of such vehicles in the normal course of business. For purposes of this paragraph, each motor vehicle operated by a person controlling, controlled by or under common control with any other person shall be treated, under regulations of the Administrator, as operated by a single person.

"(8) The term 'manufacturer' has the meaning provided in section 216(1).

"(b) The Administrator shall, after holding at least one public hearing, issue emission reduction factors for use in estimating emission reductions achieved through the use of clean alternative fuels and clean alternative fuel vehicles and engines. Such factors may be adjusted from time to time as the Administrator determines. At a minimum, the Administrator shall issue such factors for each vehicle and engine class when operating on methanol (including a mixture of 85 percent methanol by volume), ethanol, natural gas, liquified petroleum gas, reformulated gasoline and electricity. In establishing emission reduction factors, the Administrator shall consider the relative net total ozone producing volatile organic compound emission reduction benefits and air toxic emission benefits of each clean alternative fuel. The emission reduction factors shall be determined for each motor vehicle and engine class in reference to the standards for such vehicles and engines when operating on conventional gasoline or diesel fuel.

"(c)(1) Not later than 18 months after the date of enactment of the Clean Air Act Amendments of 1990 and after notice and opportunity for public comment, the Administrator shall promulgate regulations requiring new fleet vehicles to meet a performance standard with respect to ozone producing volatile organic compound emissions and air toxic emissions.

"(2)(A) The performance standard established by the Administrator pursuant to this subsection shall, in the vehicle model year 1997 and thereafter, require that such vehicles not exceed a standard of 0.25 grams per mile for ozone-producing volatile organic compound emissions when operating on clean alternative fuels, and a standard reflecting a 90 percent reduction in air toxic emissions from the comparable model year vehicle when operated on conventional fuel, if he finds that such reductions are technically feasible. Such performance standards shall apply in lieu of nonmethane hydrocarbon and total hydrocarbon standards otherwise applicable to such vehicles under section 202(g).

"(B) The Administrator may adjust the performance standard, or the baseline for the measure of the performance standard, if he determines that such an adjustment is necessary to reflect the emissions reduction achieved, in practice, through the use of clean alternative fuels and clean alternative fuel vehicles or to encourage the development of clean alternative fuels and clean alternative fuel vehicles.

"(3)(A) Each State in which there is located all or part of an area classified under this Act as nonattainment for ozone and having a 1988 design value for ozone at or above 0.18 parts per million shall prepare and submit, pursuant to section 110 and part D, a revision of its implementation plan for each such area providing for effective implementation (including mechanisms to facilitate the transfer of credits under paragraph (7)) and enforcement of the requirements of this section. The plan revision shall be submitted within 30 months after the date of enactment of this subsection.

"(B) The plan revision required under this subsection shall contain provisions requiring at least 30 percent of all new fleet vehicles purchased or leased for use in the area by each covered fleet operator beginning with vehicle model year 1997 and thereafter to be clean alternative fuel vehicles and to use clean alternative fuels when operating in the area. Each of the vehicles subject to the requirements of this subsection shall achieve emission reductions equal to or greater than the per centum reductions required under paragraph (2) of this subsection. The Administrator shall increase the

minimum percentage of the new vehicles purchased or leased subject to the requirement of this paragraph beginning in the year 1999 as necessary to ensure that the maximum feasible percentage of covered fleet vehicles shall operate on clean alternative fuels and achieve emission reductions equal to or greater than those required under paragraph (2) of this subsection. The Administrator may require a lesser percentage of such vehicles if he determines that the maximum feasible percentage would impose unreasonable costs on covered fleet operators including costs associated with vehicle acquisition, fueling facilities, operation, maintenance, safety, reliability, and resale value.

"(C) Each State shall develop its implementation plan in consultation with covered fleet operators, vehicle manufacturers, fuel producers and distributors, and other interested parties, taking into consideration vehicle operational range, specialty uses, vehicle and fuel availability, costs, safety, resale value of vehicles and equipment, and other relevant factors. If a State determines, based on the factors enumerated above, that the requirements of this section cannot be feasibly achieved or would create an undue economic hardship for the State or the fleets, it may include a lesser percentage of fleet vehicles than required by subparagraph (B) in its implementation plan, provided that the State provides for an alternative method for achieving comparable emission reductions.

"(D)(i) Any State which obligates the operator of a clean alternative fuel vehicle operated by a covered fleet operator in compliance with this subsection to comply with the transportation control measures specified in section 108(f)(1)(A)(iv) (relating to trip-reduction ordinances), or (vii) (relating to vehicle operational restrictions) may not credit toward the 12 per centum emission reduction requirement under section 183(b)(3)(B) any emission reduction pursuant to this subsection.

"(ii) Notwithstanding the provisions of clause (i), a State may credit under section 183(b)(3)(B) any emission reductions pursuant to this subsection if the State demonstrates to the satisfaction of the Administrator that any increase in emissions which would result from traffic congestion caused by the operation of such fleet vehicles exceeds the emission reductions attributable (directly or indirectly) to the use of clean alternative fuel vehicles under this subsection.

"(4) Pursuant to the plan revision under paragraph (3), the choice of available clean alternative fuel vehicle and clean alternative fuel shall be made by the covered fleet operator subject to the requirements of this subsection.

"(5)(A) The Administrator shall establish by rule not later than 24 months after the date of enactment of this subsection standards to be used to determine the availability of suitable clean alternative fuel vehicles, taking into consideration vehicle size and type, driving range, cargo area, unique requirements for vehicle use, and other factors which may create undue hardship for covered fleet operators.

"(B) The Administrator shall, upon a showing by a covered fleet operator that a suitable clean alternative fuel vehicle is not available from a vehicle manufacturer in accordance with the applicable standards established under subparagraph (A), exempt such operator from the requirements of this subsection for a period of one year. A covered fleet operator may certify annually thereafter that such suitable clean alternative fuel vehicle is not available, and the Administrator shall provide further annual exemption from the requirements of this subsection upon such certification, unless the Administrator finds that the standards established under sub-paragraph (A) have not been met.

"(6) This subsection shall not apply to retail rental fleets, automobile dealer fleets, buses, law enforcement vehicles, or emergency vehicles, as defined by the Administrator.

"(7) The Governor shall issue appropriate emission credits to each covered fleet operator for the use of covered fleet vehicles in excess of the percentage required under subsection (c)(3) or which, based on the emission reduction factors established under subsection (b) achieve on a per vehicle basis greater emission reductions than those required under this subsection. The Governor shall also issue appropriate reduction credits to owners and operators of vehicles within the nonattainment area but not subject to the requirements of this subsection. Any person granted such reduction credits may trade, sell, or otherwise transfer some or all of such credits to a covered fleet operator within such nonattainment area who may use such credits to demonstrate compliance with the requirements of this subsection.

"(d)(1) Not later than January 1, 1992, and after notice and opportunity for public comment, the Administrator, in consultation with the Administrator of the General Services Administration, shall promulgate regulations requiring new light-duty vehicles and new light-duty trucks acquired by each Federal Government agency, department, or instrumentality thereof to meet a performance standard with respect to ozone-producing volatile organic compound emissions and air toxic emissions. Such regulations shall at a minimum be applicable to such vehicles registered in or primarily operated in areas designated nonattainment for ozone under part D and having a 1988 ozone design value at or above 0.14 parts per million. Such regulations shall apply to such vehicles in lieu of any applicable requirement under subsection (c).

"(2) PERFORMANCE STANDARD.—(A) The performance standard established by the Administrator pursuant to this subsection shall, in the vehicle model year year 1994 and after, require that such vehicles not exceed a standard of 0.25 grams per mile for ozone-producing volatile organic compound emissions, and a standard reflecting a 90 per centum reduction in air toxic emissions from the comparable model year vehicle when operated on conventional fuel, if the Administrator finds that such reductions are technically feasible. Such performance standards shall apply in lieu of nonmethane hydrocarbon and total hydrocarbon standards otherwise applicable to such vehicles under section 202(g).

"(B) The Administrator may adjust the performance standard, or the baseline for the measure of the performance standard, if he determines that such an adjustment is necessary to reflect the emissions reduction achieved, in practice, through the use of clean alternative fuels and clean alternative fuel vehicles or to encourage the development of clean alternative fuels and clean alternative fuel vehicles. The total hydrocarbon standards under section 202(g) shall not apply to light-duty vehicles, light-duty trucks, or other vehicles that meet the performance standards established under this subsection.

"(3) MINIMUM PERCENTAGE.—The Administrator shall require by regulation that no less than—

"(A) 30 percent of such new covered fleet vehicles after September 30, 1993;

"(B) 60 percent of such new covered fleet vehicles after September 30, 1996; and

"(C) 90 percent of such new covered fleet vehicles after September 30, 1999; and

subject to this subsection shall be clean alternative fuel vehicles and shall operate exclusively on clean alternative fuel except as otherwise provided under paragraph (4). Each of the vehicles subject to the requirements of this subsection shall achieve emission reductions equal to or greater than the per centum reductions required under paragraph (2) of this subsection. With respect to vehicle model years 1994 and 1995 only, the Administrator may include a lesser percentage of such vehicles under this subsection if he determines that a required percentage cannot be feasibly achieved or would impose unreasonable costs.

"(4) REQUIRED OPERATION.—The Administrator of the General Services Administration and the Secretary of Defense, with the concurrence of the Administrator shall, before, October 1, 1992, issue regulations to ensure that a vehicle acquired pursuant to this subsection—

"(A) shall be supplied with appropriate clean alternative fuel in its primary area of operation, using commercially available fueling facilities to the maximum extent practicable; and

"(B) shall be operated exclusively on such fuel except when operated so as to make it impracticable to obtain such fuel.

"(5) CONSIDERATION.—(A) Funds appropriated for carrying out this subsection shall be applied on a priority basis, for expenditure first in areas of the United States which the Administrator determines have the most severe air pollution problems.

"(B) A Federal officer or agency responsible for deciding which types of clean alternative fuel vehicles to acquire in order to comply with this subsection shall consider as a factor in such decision which types of vehicles yield the greatest reduction in pollutants emitted per dollar spent.

"(C) No funds appropriated for carrying out this subsection shall be applied to costs for the acquisition of clean alternative fuel in excess of the costs, on an energy equivalent basis, of conventional fuel, as determined by the Administrator of the General Services Administration.

"(6) COST OF VEHICLES TO FEDERAL AGENCY.—(A) Funds appropriated under this subsection for the acquisition of vehicles under this subsection shall be applicable only—

"(i) to the portion of the cost of vehicles acquired under this subsection which exceeds the cost of comparable conventional fueled vehicles;

"(ii) to the portion of the costs of fuel storage and dispensing equipment attributable to such vehicles which exceeds the costs for such purposes required for conventional fuel vehicles; and

"(iii) to the portion of the costs of operating (excluding fuel costs) and maintaining such vehicles which exceeds the costs for such purposes required for comparable conventional fueled vehicles.

"(B) The Administrator of the General Services Administration shall ensure that the cost to any Federal agency receiving vehicles under this subsection shall not exceed

the cost to such agency of a comparable conventional fueled vehicle.

"(7) VEHICLE COSTS.—The incremental cost of vehicles acquired under this subsection over the cost of comparable conventional fueled vehicles shall not be applied to any calculation with respect to a limitation under law on the maximum cost of individual vehicles which may be acquired by the United States.

"(8) EXEMPTIONS.—The requirements of this subsection shall not apply to vehicles—

"(A) being operated as an experiment in the use of alternative fuels other than alcohol, natural gas or other gaseous hydrocarbons, or electricity;

"(B) with respect to which the Secretary of Defense has claimed an exemption based on national security considerations; or

"(C) used for an enforcement and emergency purposes.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section for the fiscal year ending September 30, 1993, $78,000,000; for the fiscal year ending September 30, 1994, $1,000,000; and for the fiscal year ending September 30, 1995, $7,000,000.

"(e)(1) The requirements of subsection (c) may be met through the conversion of existing gasoline or diesel-powered vehicles to vehicles which are capable of operating on clean alternative fuel and which comply with the applicable standards under paragraph (2) of this subsection.

"(2) The Administrator shall promulgate regulations governing the conversion of existing gasoline or diesel-powered vehicles to vehicles which are capable of operating on clean alternative fuel. Such regulations shall establish criteria for conversions which will ensure that a converted vehicle will comply with the applicable standards established under section 202. A conversion conforming with such criteria shall be deemed to satisfy the requirements of section 203(a)(1).

"(3) The conversion from a vehicle capable of operating on gasoline or diesel fuel only to a vehicle capable of operating on a clean alternative fuel only, or to a vehicle capable of operating on a clean alternative fuel and gasoline or a clean alternative fuel and diesel fuel shall not be considered a violation of section 203(a) if such conversion complies with the regulations promulgated under this subsection.

"(4) Nothing in this subsection shall be construed to require conversion of a new or existing vehicle capable of operating on gasoline or diesel fuel only to a vehicle capable of operating on a clean alternative fuel in order to achieve compliance with the minimum percentage requirements of subsection (c) or (d).

"(f) The Secretary of Transportation shall, in accordance with the National Motor Vehicle Traffic Safety Act of 1966, promulgate regulations regarding the safety and use of fuel storage cylinders and fuel systems, including testing and retesting, in vehicles capable of operating on clean alternative fuels.

"(g) The operator of any fleet of 10 or more light-duty vehicles, light-duty trucks, or other vehicles may elect to request approval as covered a fleet operator required to comply with subsection (c). An election may be submitted to the Administrator for approval anytime after promulgation of regulations under subsection (c).".

On page 158, delete the item "Sec. 207. Low-polluting Vehicles.", and insert in lieu thereof:

"Sec. 207. Fleet vehicles.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, February 8, 1990, at 11 a.m. for a hearing on "Health Effects of Radiation Exposure."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nominations of Hart T. Mankin and Ronald M. Holdaway to be associate judges on the Court of Veterans Appeals on Thursday, February 8, 1990, at 9:30 a.m. in SR-418.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, February 8, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address the credit title of the farm bill as it relates to the Farmers Home Administration.

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

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, February 8, 1990, at 9:30 a.m. to continue hearings on S. 647, the Securities Law Enforcement Remedies Act of 1989, focusing specifically on issues relating to small investors.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 8, 1990, at 10 a.m. to hold a hearing on a proposal to reduce Social Security taxes.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, February 8, 1990, at 2 p.m. to receive testimony on the military strategy and operational requirements of the unified commands oriented to third world defense and unconventional warfare.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, February 8, 1990, at 9 a.m. to receive testimony on the military strategy and operational requirements of the commands oriented to Pacific defense.

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 Thursday, February 8, at 9:30 a.m., for a hearing on S. 2006, the Department of the Environment Act of 1990.

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 February 8, 1990, at 1:45 p.m. to consider pending committee business.

Thursday, February 8, 1990; 1:45 p.m., S-146 Capitol

1. Nomination of Barry Lambert Harris, of Maine, to be Deputy Administrator of the Federal Aviation Administration (Steve Palmer, Becky Kojm).
2. Nomination of James L. Kolstad, of Colorado, to be Chairman of the National Transportation Safety Board (Carol Carmody, Becky Kojm).
3. Nomination of Susan M. Coughlin, of Pennsylvania, to be a Member of the National Transportation Safety Board (Carol Carmody, Becky Kojm).
4. Nomination of John W. Lyons, of Maryland, to be Director of the National Institute of Standards and Technology (Pat Windham, Becky Kojm).
5. Nomination of William D. Hathaway, of Maine, to be a Member of the Federal Maritime Commission (Hal Creel, Becky Kojm).
6. Nomination of Ervin S. Duggan, of South Carolina, to be a Member of the Federal Communications Commission (Toni Cook, Becky Kojm).
7. Nomination of Edward J. Philbin, of California, to be a Member of the Interstate Commerce Commission (Robert Holleyman, Becky Kojm).
8. Routine Coast Guard Nominations (PN-984, 985, 1066) (Becky Kojm).

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

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATON

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet

during the session of the Senate on Thursday, February 8, 1990, at 9:30 a.m., to hold a hearing in preparation for the 1990 farm bill. The hearing will address the issue of enhancing grain quality.

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

ADDITIONAL STATEMENTS

CHRIST CHURCH, EPISCOPAL, QUINCY, MA

● Mr. KERRY. Mr. President, I rise in recognition of Christ Church, Episcopal, in Quincy, MA, which is entering its fourth century this year. Christ Church, founded in 1689, is the oldest parish in the diocese of Massachusetts.

Until 1780, the Congregational Church was the official State church of the Commonwealth. It was supported by taxes, so the Episcopal parishiners petitioned for, and received, relief from this taxation. The Episcopalians were provided tax rebates to be applied to the support of their own church, thus accomplishing one of this country's first tax rebellions.

The first church building, erected in 1704, burned to the ground and was replaced in 1858 by a stone structure built with granite from the quarry of John Quincy Adams. His wife, Louisa, established the Sunday School here and provided transportation for her pupils with her own horse and carriage.

This historic old church conducts many outreach programs and is an active part of the community of Quincy, "The City of Presidents," hometown of John Adams, John Quincy Adams, and burial place of John Hancock, first signer of the Declaration of Independence. We wish them the best as they embark on their fourth century of service.●

BISHOP WILLIE BOLDEN

● Mr. LUGAR. Mr. President, I want to bring to the attention of my colleagues the extraordinary talents and commitment of a fellow Hoosier that is relocating to the State of Florida. The city of Tampa will undoubtedly be enhanced by the leadership and guidance of this truly devoted Christian man.

On July 16, 1976, Bishop Willie Bolden started Calvary Chapel Church in Fort Wayne, IN, with 18 followers. Under his ministry, the membership grew to over 1,400 members and succeeded in building a million dollar facility in 1987. The mayor of Fort Wayne, Paul Helmke, discussing the bishop's success with youth programs said, "His work with the youth of our city has made a difference." While many of our Nation's youth are being devastated by crime and drugs, Bishop Bolden instills high self-esteem and purpose in the lives of his followers. Many have left Fort Wayne but are carrying on the work of Calvary Chapel Church throughout the State.

Melvin Bolden, Willie Bolden's brother, will remain in Fort Wayne to minister the Calvary Chapel congregation. I am certain that the many successful contributions made to the community will continue under his guidance.

I would like to take this opportunity to wish Bishop Willie Bolden success in his new endeavors, especially his continued work in the vineyards. I ask my colleagues to join me in saluting this great community leader.●

THE ROCKY MOUNTAIN ELK FOUNDATION: WORKING FOR WILDLIFE

● Mr. BAUCUS. Mr. President, I want to take just a moment today to point with pride to the accomplishments of the Rocky Mountain Elk Foundation.

The foundation, based out of my home town of Missoula, MT, is a rapidly growing international, nonprofit wildlife conservation organization. The foundation's mission is to raise funds and act as a catalyst for projects which improve elk and other wildlife habitat.

Last year, I had the pleasure of working with this organization to secure an appropriation of $3.5 million to secure elk habitat north of Yellowstone National Park. As Americans saw on the nightly news, this herd was decimated by the fires, drought, and killing winter of 1988-89. With the support of Congress, the State of Montana, and other private conservation organizations, the Rocky Mountain Elk Foundation effectively spearheaded a drive to secure a better future for this great wildlife resource. I am pleased to say the Forest Service recently assured me that completion of this project is one of its top priorities for land and water conservation fund dollars.

Last December, the Missoulian newspaper ran an article outlining the numerous achievements of the Rocky Mountain Elk Foundation. I ask that this article be printed in the RECORD.

The article follows:

[From the Missoulian, Dec. 14. 1989]

GUARANTEEING THE FUTURE

(By Sherry Devlin)

At the Rocky Mountain Elk Foundation, "little guys with five-dollar bills" are buying millions of dollars worth of elk winter range.

In two years, they've plunked down $8.7 million for elk habitat in Montana's Madison, Ravalli and Park counties. They've wrangled millions more out of beer makers and federal and state agencies. They've made peace with ranchers, religious leaders, bureaucrats and biologists.

Here is what they bought. And how they bought it.

Bob Munson realized, almost since the day he created the elk foundation in May 1984, that prime big-game winter range was vanishing and, with it, big-game animals. It took Munson less than three years to endow the North American Habitat Fund.

Anheuser-Busch, the beer maker, provided the first $500,000 for the habitat fund. Munson bought 32,000 acres of grassland and timbered draws at Robb Creek, 30 miles southwest of Virginia City in the Ruby Valley.

The habitat fund was in business, said Munson, executive director of the elk foundation. Its goals: To perpetuate wild, free-ranging elk populations across the West; encourage sound management of elk and elk habitat; encourage cooperation among elk managers; and preserve wildlife habitat accessible to sportsmen.

"We don't want an elk behind every bush," Munson said. "We are not out to buy every piece of available elk range in North America."

But Munson does want elk grazing on prime winter range long wished for by land managers at federal and state agencies. To date, he's closed these deals:

Robb Creek, the 32,000 acres in Madison County once owned by the Robb Creek Grazing Association, now owned and managed by the state Department of Fish, Wildlife and Parks.

The Robb Creek country is gentler and more accessible to sportsmen than the Rocky Mountain Front. It also is a critical link in one of Montana's finest elk ranges and is adjacent to the state-owned Blacktail Game Range.

Several hundred elk winter in the lower elevations of Robb Creek, but could increase to 3,000 under the new, conservation-minded management, the foundation estimates. In 1806, Lewis and Clark reported abundant elk, deer, antelope and bear in the Ruby Valley.

Burnt Fork Ranch, 3,724 acres in Ravalli County owned by Lynn Wolfe. The elk foundation re-sold the land, with a conservation easement, to a private buyer.

The Wolfe property is about 30 miles south of Missoula and seven miles east of Stevensville on Burnt Fork Creek. It is home to elk, mule deer, white-tailed deer, coyotes, bears and bobcats.

Jane Nelson Hillard Ranch, 640 acres in Park County, north of Yellowstone National Park, owned by Edwin Nelson.

OTO Ranch, 3,265 acres in Park County owned by Church University Triumphant.

The three Park County purchases are part of the elk foundation's campaign to provide winter range for Yellowstone's northernmost elk, the world's largest migratory elk herd.

The Yellowstone elk have provided animals for transplant across the West, bringing back the species from fewer than 100,000 to more than a million animals. But the herd depends on land outside of Yellowstone Park for winter range.

Public ownership of the herd's historic winter migration route will help prevent what Munson calls "boom and bust population Fluctuations" and will ease conflicts between private livestock and wild game.

The state and federal governments both have contributed millions of dollars to the Park county land deals. Munson want to add three or four other ranches to the pool—to guarantee elk a safe migration

from the national park to Dailey Lake, 14 miles to the north.

The land will be owned and managed by the state wildlife department and the U.S. Forest Service.

Gary Wolfe, the elk foundation's director of field operations, said that "in the northern Rockies, the critical factor limiting elk populations is winter range. There simply is not too much food out there under the snow."

The elk foundation uses its habitat fund to buy winter range and then transfer the land to state, federal or private conservation buyers. The money eventually returns to the habitat fund to finance other deals, thus its status as a "revolving fund."

Conservationists, sportsmen and corporations provide the cash for the land deals. Largest of the donations have come from Anheuser-Busch and Keith Ward of Bob Ward & Sons in Missoula.

Fund-raising banquets sponsored by the foundation's 130 chapters coast to coast have—in the past year—started raising enough money to add to the land purchases, Wolfe said. One banquet in Missoula last fall netted more than $20,000.

The numbers are impressive: Seven banquets in fiscal year 1985-86 raised $30,223. The next year, 19 banquets turned in receipts of $142,053. Then, in fiscal year 1987-88, 48 banquets netted $575,415. Last year, there were 91 banquets and proceeds of $1.3 million

All of the elk foundation's projects have benefited, including the habitat purchases, research studies, conservation education and habitat improvement. There were but four foundation-financed elk projects in 1985-86, with a $14,450 price tag. In fiscal 1988-89, the foundation paid for 90 projects worth $1.9 million.

All of this and 2,000 new members a month. Said Munson, "Elk are symbolic of what's wild and free. They're the epitome of the ultimate big-game animal. People can relate to their habitat needs."

A lot of the elk foundation's appeal, Munson said, is the chance for "little guys" to join a "cando" organization. "As a nonproft organization, we shouldn't be in business unless we get the dollars on the ground for the animals," he said.

After its initial successes in Montana, the elk foundation is starting work on land purchases in Washington, Minnesota, Colorado and Utah. Munson already has his signature on a 2,000-acre purchase in Utah's Cherry Creek Wildlife Management Area and 200 acres at Lick Creek in eastern Washington.

"We are really thrilled when we can bring the private and public sectors together on a project," Munson said. "It's the spirit with which you approach something. We've found that it is possible to satisfy everybody's needs."

The response, public and private, has been just as enthusiastic.

Said Dale Burk, a Bitterroot Valley writer and elk foundation director, "People sense that the little guy with a five-dollar bill can make a difference. At last, we have a forum to speak our minds."

Said Lynn Wolfe, who sold her Burnt Fork Ranch to the foundation, "The elk foundation thinks like I do and I love it."

Said K.L. Cool, the state's fish and game director, "Further generations of sportsmen can look on this organization as a promise; a promise that elk will always be a part of the West; a promise that September mornings a century from now will not be silent, but will forever echo the bugle of the Rocky Mountain elk."

Said Gov. Stan Stephens, "there are elk out there experiencing good things in their world because the elk foundation is here."●

WELCOMING THE STUDENT COALITION FOR SOVIET JEWRY

● Mr. METZENBAUM. Mr. President, I am happy to rise this morning to welcome the Student Coalition for Soviet Jewry. This is the 14th year in which college students from across the Nation come to Washington on behalf of human rights and freedom in the Soviet Union.

I am proud to be an honorary cochairman of this year's lobbying effort, along with Senator BOSCHWITZ.

Mr. President, we have been startled by the past year's events in the Soviet Union. Mr. Gorbachev's vision and persistence have brought about a new, unexpected level of human rights and personal freedom. Nearly 50,000 Jews were allowed to leave the U.S.S.R. in 1989 under greatly liberalized emigration laws.

Mr. President, this Senator is grateful for Mr. Gorbachev's reforms. I congratulate him on his daring efforts, and I look forward to his further success. I think continued reforms will be good for the United States and for Soviet Jews.

In light of these great changes, one might ask why the Student Coalition for Soviet Jewry continues its lobbying efforts. One might ask if these students are oblivious to the great changes sweeping across the U.S.S.R.

Mr. President, the answers to these questions are clear. Amidst the revolution of reform in Russia, there are still areas which need our attention. These young people are not oblivious to change, they are smart enough to see where change has been uneven.

Mr. President, there are still some 2,000 refusniks waiting for permission to emigrate from the Soviet Union. This term "refusnik" should be an anachronism by now. There should not be any Soviet Jews denied exit visas because they worked in a sensitive industry years ago. There should not be any Soviet Jews struggling against an indifferent bureaucracy, and unpredictable travel regulations.

I am willing to believe that Mr. Gorbachev would free all of the remaining refusniks if he were aware of the details of their cases. I am willing to believe that OVIR, the Soviet Government's visa office, mirrors the rest of the Soviet Government bureaucracy—entrenched, and unwilling to accept reform or change.

Who do these students still come to Washington? Because it is too easy to lose the remaining refusniks among the new wave of Soviet Jewish emigrants. Because it is too easy to rest assured that reform will come evenly and speedily to all parts of Soviet society. And because the reform of Soviet society is actually making it more dangerous for the Jews who remain there. Let no one be misled about the latent antisemitism that has suddenly burst forth. Probably the single, solitary benefit of past Soviet repression is that it suppressed the intense antisemitism and ethnic hatreds that pervade the Soviet Union. These students have made a commitment to human rights, and they are following through on it. These students have the courage to follow through on a commitment that was made 14 years ago, at the first SCSJ lobbying effort.

Mr. President, the Student Coalition for Soviet Jewry is here today to remind us about the Soviet Jews who have yet to feel the effects of glasnost. While we strongly applaud Mr. Gorbachev's great achievements, we must not forget the people who are still waiting for freedom.

Mr. President, I know that all my colleagues join me in welcoming the Student Coalition for Soviet Jewry, and in congratulating them on their outstanding effort.●

MARK E. TALISMAN

● Mr. METZENBAUM. Mr. President, Mark Talisman is known to Members of the House and Senate as a tireless fighter for human rights and social justice. To me, he is also a longtime colleague, and a dear friend.

Since traveling to Czechoslovakia in 1968, Mark has made a particularly valuable contribution in recording the history of Eastern European Jewry. For example, Mark was instrumental in putting together the precious legacy exhibit. This selection of artifacts was culled from over 150,000 pieces of judaica, which Adolph Hitler had collected for his museum to the extinct Jewish race. The precious legacy turned out to be one of the most popular Smithsonian Institution projects, traveling to 10 cities and viewed by millions of people.

Mark recently returned to Czechoslovakia. Out of this visit has come a remarkable account of Prague's Jewish community during the struggle for democracy and the overthrow of the Communist Party.

I commend Mark Talisman's article, which appeared in the January 19, 1990 edition of the St. Louis Jewish Light, to my colleague's attention. I ask that this article appear at this point in the RECORD.

The article follows:

[From the St. Louis Jewish Light, Jan. 17, 1990]

CZECHOSLOVAKIA: THE LIBERATION OF A HISTORIC JEWISH COMMUNITY

(By Mark E. Talisman)

PRAGUE.—Nov. 17, 1989, will not only go down in history as the date the revolution came to Czechoslovakia, but also as the day of liberation of the Czech Jews. In the following days, the Jewish community began to devise a course to liberate themselves

from the tyranny which had suppressed them.

The drama, which unfolded in the ancient Jewish town of Prague, began when 40 Czech Jews, young and old, gathered in the 16th century Jewish Town Hall, built by Mordecai Maisel, a great Jewish leader of the times. They met to air grievances against the two leaders who had been installed with the blessings of the Communist ministry of religion.

Mordecai Maisel would have loved this meeting as it unfolded. Young people told of how they had been spied upon and how they were denounced to the secret police by the general secretary of the community. Older people mourned the loss of their once revered community, having seen it fall into a Kafkaesque 48 months of horror at the hands of their leaders.

They formulated a manifesto, which they all signed, and nailed it to the door leading to the kosher restaurant in the Town Hall for others to read and sign. This "radical" document demanded that these two leaders resign at once. Before the revolution, in the streets of Prague and elsewhere in the Czech lands, such a bold document would have been unthinkable.

When confronted with these demands, the elderly president, Heller, quit at once, but the general secretary, Frantisek Kraus, defiantly refused. At the next regular meeting of the Council of the Jewish Communities of the Czech Lands, Kraus was formally presented with the manifesto calling for his resignation.

Not only did he not resign, but he was presented with a formal letter of commendation by his colleagues, most of whom had been on the payroll of the community.

Kraus rushed for political sustenance to his protector, the ministry of religion. There he found the offices all but deserted. When he inquired, he was told that, under the circumstances of rapid change, he would do well to rush back to the community, find Dr. Desidir Galsky, the distinguished former leader of the community who had been ousted for being too honest, and beg his forgiveness.

Kraus did that, but the conversation between Dr. Galsky and Kraus, for the time being, will have to remain unprinted. The young people were elated. Following elections, Dr. Galsky was returned to the presidency he had so well served before being summarily removed in an infamous putsch.

His task now is to unite the Czech Jewish community. Working with the young rabbi, Daniel Myer, an energetic group of devoted Jewish young people who want to know the Hebrew language and literature and actively and openly celebrate Jewish life, and a core of older people who have survived enormous adversity, Dr. Galsky now will have a chance to help this proud community grow and prosper without interference.

RESTORING JEWISH LIFE

In circumstances like this, which are being repeated in locally unique ways throughout Central and Eastern Europe, the American Jewish Joint Distribution Committee will have a pivotal role to play, which will help determine the speed with which this Jewish community succeeds in their quest for identity and self-fulfillment. Under this new democratically controlled regime, the JDC will have easy access. Remember, it was Prague where the distinguished leader of the JDC, Charles Jordan, was assassinated in 1968.

It will be necessary to provide Jewish texts for all levels of teaching and learning. It was a samizdat operation, proudly but clandestinely lead by Dr. Galsky, which allowed these young Jews of Prague to sustain themselves with the first-time Czech translations of great Hebrew writings during the past regime. Rashi, hand-typed, bound by one of their number, each copy passed among dozens of people.

These volumes soon will join other samizdat publications in the museum of the City of Prague so its citizens can understand the bravery of people who would not be crushed under the apparatus of oppression, which had afflicted the country since 1968. At once, the Jewish community mirrored and reflected what was occurring in the general community, and many of the young Jews were straddling both worlds with great dignity and courage.

Now, Dr. Galsky is reformulating the structure of this small but vital Jewish community. There will be vice presidents appointed from among the array of talented people.

There will be outreach with Jewish education, music, lectures and outside speakers. The Texas State Chamber Orchestra played on the stage of the 16th century Town Hall in December to a packed audience. It was on this stage that Franz Kafka read his works before they were sent into the world to be printed and read by others.

Soon, five of the great cantors of the world will come to Prague, as they have to other liberated Jewish communities in Eastern Europe, to perform first for the Jewish community in the Jerusalem synagogue and then in the general community. This has been cosponsored by the deputy prime minister, Hromatka, a Christian, who offered to do so when Dr. Galsky met with him to discuss a range of issues of mutual concern. Hromatka indicated he wanted to visit Israel and asked Dr. Galsky to seek details when he journeys to Jerusalem on his first visit. Formerly travels were proscribed by the government. Now, everyone in Czechoslovakia has a passport and is free to travel without receiving government permission.

CHANGING POLITICAL ORDER

Newly elected president of Czechoslovakia, Vaclav Havel, appointed Jiri Dienstbier foreign minister upon his release from political prison. Dienstbier is a major supporter of the need to recognize the State of Israel.

Havel, Dienstbier and their colleagues had formed the Civic Forum, which aided the revolutionary movement. Among the strongest and most impressive leaders of the forum is Rita Klimova. A Jew born in Prague, she lived some of her teen years in Brooklyn, N.Y. Klimova has been nominated as the new Czechoslovakian ambassador to Washington.

A remarkable woman, Klimova lamented that because of the pressure of forming the new government and ensuring the president actually would be elected and inaugurated, she had for the first time in memory missed the first night of Hanukkah at the Altneuschul.

On being congratulated on their choice of Klimova, both Havel and Dienstbier expressed confidence in her abilities, but added her brilliance and force would be missed as they begin to put the new government into place.

A visit to the Lidove Noviny, the newspaper that was the organ for Havel and his colleagues for years, was of particular interest. The present editor-in-chief and managing editor were released from jail only weeks ago as the bureaucracy moved slowly to find them and process the necessary papers. After the revolution, the newly appointed reformist head of the government agency, which had previously banned this once-illegal newspaper, was able to approve their release instantly.

Lidove Noviny was published underground until the second week in December when the first real public edition appeared in two colors. It has no presses or offices of its own. But it has a talented and bright staff of journalists, a number of whom are Jewish. It is housed for the time being in the offices of the agricultural publishing house near the statue of Wensesclas where the revolution began.

This serious newspaper is without computers, recording equipment or printing apparatus. The telephones are dead. Yet, the first edition is out and everyone is seen reading it.

The editors talked with this writer for over three hours seeking information on diverse subjects. They were particularly interested in the Precious Legacy exhibition, an extensive exhibition of more than 350 Judaic objects from the Jewish Museum of Prague. For more than 15 years I was involved with the exhibition, which was cosponsored by the Smithsonian Institution and the Project Judaica Foundation. They had no knowledge of the exhibition, since Czech newspapers would never have carried stories about a Jewish exhibition. More than 15 other countries wanted the exhibition, but were refused by the Czech government. Negotiations currently are underway to revive aspects of the exhibit for display in Israel and other countries.

The editors of Lidove Noviny also sought detailed history of the Jackson-Vanik Amendment. At that moment, I was able to hand them a copy of a letter, which former Congressman Charles Vanik sent the previous day to President George Bush, requesting the President grant most favored nation status to the new Czechoslovak government. Sen. Carl Levin, a recent visitor to Prague, will seek to rally support for waiver of the Jackson-Vanik Amendment among his colleagues who will then press the administration to show our nation's support for this newly created democracy.

The case for waiver of the Jackson-Vanik Amendment is clear. The barbed wire borders between Czechoslovakia and East and West Germany, Austria and Hungary are down. Citizens have their passports and are free to travel. Religious freedom is restored and former political prisoners are running the country. By providing most favored nation status to this new government, the United States will lower tariffs on a number of dutiable goods, thus handing much needed hard currency to this country who economy is in need or urgent repair. Havel is not begging for handouts. He wants normalization of relations between the United States and his country.

FREEDOM TAKES ROOT

Are developments such as these good or bad for the Jewish community? Clearly, in Czechoslovakia, one concludes, so far, so good. There is much to be done inside the Jewish community to allow it to fully enjoy the new freedom.

As democracy begins to flourish, the Jews will share in its bounty. As religious freedom spreads above ground, so should tolerance for all religion. Vigilance to assure this is on the minds of the new ministers.

As the economy goes through the upheavals of conversion to a new, possibly hybrid, form of existence, one considers the impact

on the Jewish communities within the countries undergoing these convulsive changes. In Czechoslovakia, hopes are high in the Jewish community for full participation alongside their fellow non-Jews. There is no fear of a rise in anti-Semitism, and there is widespread optimism in this community with a thousand years of rich, Jewish history. For the first time since Hitler crushed this community in 1938, they have elected their own president. The future looks bright.

On Dec. 29, as the winter dusk settled in early and Shabbat arrived in Prague, Jews from everywhere gathered at the Altneuschul on Maiselova Street in the Jewish quarter. The Town Hall's bells chimed 4 p.m. as the hands of the Roman and Hebrew clocks reached that place from opposite directions.

It is a tiny place with high vaulted ceilings. A 13th century Christian architect had been engaged to design this Jewish house of prayer having done a credible job on St. Agnes' church and convent nearby. The building profile had to be lower than the nearby church, so as not to offend the Christian sensibilities, so he sunk the vestibule lower than street level.

This thoughtful architect knew it would be wrong for the Jew praying there to look up to the gothic vaulted ceiling and see the traditional four spines joined at the top of the vault thus forming a cross, so he added a fifth spine.

We entered the Altneuschul on this special night, the last Shabbat of the year, the eighth night of Hanukkah, walked down the five steps into the vestibule under the arch of the Gothic doorway into the beautiful serene chamber of prayer. The crimson satin banner of the Czech Jews stretched across the side of the intricate forged iron gratework. In the center of the banner was the Mogen David with its unique Swedish military cap, which was awarded to the Jews of Prague for defending the crown of Bohemia against the invading Swedish hordes in the 17th century.

All was ready for the mincha and ma'ariv services. Here, they are traditionally shortened in deference to the elderly in the community. Cantor Feurlicht's voice rose instantly to the highest point in the ceiling and descended upon us. Each candle was lighted on the 16th century menorah as young and old were called to light a candle until all eight were ablaze.

This was the first Hanukkah in freedom under a president elected and installed only hours before. This was the same president who had issued a personal invitation to the new president of the Council of Jewish Communities of the Czech Lands to witness his swearing in.

At a break in the service, a special prayer was chanted in Hebrew and Czech for the health and success of the new president of Czechoslovakia. Then Dr. Galsky read a letter he was sending, on behalf of the Jewish community, wishing the president success and pledging him and his government support in every way. A representative of the government was present to receive these greetings and to transmit them to the president.

As we left the Altneuschul, we hugged each other, cognizant of the power of the day and evening's events in both the country's history and that of this Jewish community. Glancing back, I saw a luminescent glow over the prayer bench of the great maharal, Rabbi Judah ben Bezalel, as once again he appeared to watch over his flock in their new freedom.

It is clear all eyes will continue to focus on developments along Maiselova Street in Prague to see how freedom takes root once again in this unique Jewish community.

(Editor's Note: Mark E. Talisman is director of the Council of Jewish Federations' Washington Office. He is a former chief aide to Congressman Charles A. Vanik.)●

PEACE INITIATIVES ON CYPRUS—SENATE CONCURRENT RESOLUTION 87

● Mr. LAUTENBERG. Mr. President, I rise today as a cosponsor of Senate Concurrent Resolution 87, a concurrent resolution to support the United Nations Secretary General's peace initiatives on Cyprus.

This concurrent resolution declares the Senate's support for the United Nations Secretary General Perez de Cuellar's current effort regarding Cyprus. It finds the continuation of meaningful talks on Cyprus indispensable to the peaceful resolution of the conflict and encourages both parties on Cyprus to resume negotiations.

This concurrent resolution sends an important signal to the Turkish and Greek Cypriots that the United States seeks a peaceful resolution to this ongoing problem. It is an indication of congressional dissatisfaction over the inability to reach a diplomatic solution on Cyprus.

On July 20, 1974, Turkish forces invaded the island of Cyprus, occupying 37 percent of the country and killing and displacing thousands of Greek Cypriots. Today, some 30,000 Turkish troops still occupy the island despite condemnation of their continued presence by the United Nations. In addition, thousands of Greek Cypriots remain refugees in their own land, unable to return to their homes in the northern part of the island.

Since the invasion, the United Nations has undertaken to mediate the conflict between the Greek and Turkish Cypriot communities and achieve a withdrawal of the Turkish troops. The negotiation process has focused on ways to reconcile the interests of the Greek Cypriots and the Turkish Cypriots, and to reestablish some form of central government on the island.

The United Nations, with U.S. support, has been promoting a negotiation process aimed at creating a new federal republic on the island. Over the years, while the United Nations, and the parties have continued to focus on creating one state, with freedom of movement between the two sides, it has become clear that many Turks would prefer two separate states with limits on freedom of property and settlement.

Unfortunately, the last round of the current U.N. negotiation process failed because Mr. Denktash, the Turkish Cypriot leader, refused to consider U.N. Secretary General de Cuellar's proposal which lays out basic principles governing an eventual agreement to resolve the conflict. The basic principles contained in the General Secretary's draft agreement include possible understandings on such issues as security, freedom of movement, property, and settlement and a provision for a constitution.

The fundamental purpose of the United Nations, as embodied by its charter, is to prevent aggressive action and to settle problems peacefully. Yet, Mr. Denktash claims that the draft document goes beyond the United Nations's role as mediator. President Vassiliou, the Greek-Cypriot leader has, on the other hand, indicated his willingness to consider de Cuellar's peace initiatives as a foundation for further discussion of peace talks.

Most recently, the Secretary has invited the two sides to meet at United Nations Headquarters this month to address and settle these differences. Mr. Denktash, once more, has declined this invitation.

The only way this longstanding tragic division of the island will be resolved is if there is continual intercommunal dialogue between the two leaders. The failure to continue the dialogue and to end the Turkish occupation has brought unimaginable suffering to the people of the island. It is long past time for this conflict to be resolved and for a concerted effort to be made to unite the island and return Greek Cypriots to their homeland.

I urge both sides to return to the table. I hope that Turkish leader Rauf Denktash and Cypriot President George Vassiliou will see the General Secretary's draft as a common foundation to resume talks and to bring about a stable and just settlement of the Cyprus problem.●

HONORING GENERAL CONAWAY

● Mr. KASTEN. Mr. President, I rise today to honor the achievement of a distinguished soldier and a good friend. Maj. Gen. John B. Conaway has been chosen by President Bush to serve as the chief of the National Guard Bureau.

I got to know General Conaway through his bright and talented daughter, Ellen Conaway, who served on my Washington staff. I often wondered where Ellen had learned her finely honed skills; meeting General Conaway left me with no doubt about the source of those talents. He is one of the brightest and most able men I know. He is a real leader, capable of sizing up men and situations with lightning speed and pinpoint accuracy.

Those are essential skills in a world of combat—whether it is political combat or the struggle on the battlefield.

I think President Bush has made a wise and farsighted decision in naming

General Conaway to this important post. I join all my colleagues in wishing Major General Conaway Godspeed as he undertakes his new commission.●

MISSOURI SCHOOL COMPLETES DRUG ABUSE RESISTANCE EDUCATION PROGRAM

● Mr. BOND. Mr. President, on January 12, 1990, 47 fifth grade students from East Buchanan Elementary School completed a 17-week seminar under the Drug Abuse Resistance Education DARE Program. East Buchanan Elementary School was one of nine Missouri schools chosen to participate in this pilot program and this fifth grade class is the first in its school's history to complete DARE.

The DARE Program was developed in Los Angeles, CA, with the aid and input of parents, teachers, school administrators and law enforcement officials. The program was designed to address the issues of peer pressure, self management skills, alternative lifestyles and alternatives to drug use. The 17-week seminars are conducted by specially trained troopers from the Missouri State Highway Patrol. The DARE Program has shown promise in California and I am certain that given the quality of the young people in Missouri it will be a resounding success.

Mr. President, I commend the fifth grade students of East Buchanan Elementary School and only regret that I could not be at their graduation. Through my recent tours of schools in Missouri, I have talked with hundreds of young people about the problems and pressures that they will or are already facing as drugs and alcohol enter their lives. My son Sam is nearing the age of these students and he will face the same challenges that they face. I hope that he has the strength, determination and courage that will be needed to prevail over the awful specter of drugs. The challenges to our youth are greater than ever before, but with the commitment of adults and students alike our youth will prevail. They must, for the decisions they make today may determine where our country will be tomorrow.●

PAKISTAN IS GROWING IMPATIENT

● Mr. SIMON. Mr. President, during the recess, an article appeared in the New York Times on December 15, 1989, written by John F. Burns with a dateline of Islamabad, Pakistan. The heading was a simple one: "Pakistan Is Growing Impatient With U.S. Over Afghanistan Policy."

It is a question—being asked by increasing numbers of people around the world, and particularly in the affected region—of the United States continuing to supply weapons and not trying to work out a negotiated settlement.

My guess is that our policy on Afghanistan can be modified to promote peace, instead of further senseless bloodshed.

When Soviet troops were there, I was a strong backer of sending weapons and providing assistance to those resisting the invasion. Now, with Soviet troops removed, we have a very different situation.

True, the Soviet Union continues to supply the Najibullah regime with enormous quantities of weapons. Some United States officials have estimated that Soviet weapons deliveries in 1989 amounted to $300 million per month. We had a chance to accept a Soviet offer of a mutual arms cutoff back in 1988, at the time the Geneva Accords on Afghanistan were signed, but we rejected the deal. I urge the Secretary of State to renew discussions with Soviet Foreign Minister Shevardnadze at their meeting in Moscow with the aim of stopping the flow of arms to both sides, coupled with destruction or removal of the huge, one-sided advantage that the Kabul regime now enjoys.

At the same time, the administration should be working overtime to convince the leaders of the Afghan resistance that the time has come to consider a negotiated settlement to this civil war. We stood squarely behind the Mujahidin during their 10-year struggle against the Soviet invasion. Now that the invaders have left, and the military situation is stalemated, we should use our influence to help broker an honorable transition to a provisional government, acceptable to the majority of the Afghan people, to ensure the future neutrality and stability of their proud nation. I would add that our efforts in this area should be directed toward the Soviet and Pakistani Governments as well.

Mr. President, it is estimated that some 3.8 million Afghan refugees are waiting in Pakistan for the chance to return to their homes and resume their lives after more than 10 years of a terrible, tragic warfare. To continue this needless bloodshed is in no one's best interest, and that clearly includes the United States.

I urge the Bush administration to modify its present policy.

I ask that the text of Mr. Burns' article be printed in the RECORD in full.

The article follows:

[From the New York Times, Dec. 15, 1989]

PAKISTAN WEARIES OF AFGHAN BURDEN

(By John F. Burns)

ISLAMABAD, Pakistan.—The Government of Prime Minister Benazir Bhutto is growing increasingly impatient with the burden of supporting the Muslim guerrillas who use Pakistan as a base for their operations against the Soviet-backed Afghan Government.

Among senior officials here, the impatience has begun to focus on the United States, with some of Ms. Bhutto's advisers saying Washington may be solidifying a stalemate by allowing the guerrilla leaders to exercise a veto over any negotiations with Kabul.

In interviews here, these officials said the American policy, if continued, could perpetuate the problems that the war has imposed on Pakistan, among them the 3.5 million Afghan refugees in camps in Pakistan, the trafficking in hundreds of tons of heroin reaching here each year from rebel-held areas of Afghanistan and the regional instability sown by the fighting.

CHINESE AND IRANIAN INTEREST

The growing misgivings about American policy come as two other countries that have been strong backers of the guerrillas, Iran and China, have shown interest in a negotiated settlement.

Since the death of Ayatollah Ruhollah Khomeini in June, Iran has signaled that it favors peace talks and has moved rapidly to improve its ties with Moscow, which committed troops to the Kabul Government's defense for a decade and remains its sole source of outside aid. China has cut off arms supplies to the Muslim fighters and has advocated formation of a "broad-based government" in Kabul, wording used by the Soviet Union in its diplomatic efforts on Afghanistan.

Among the rebels' major backers, only the United States and Saudi Arabia have shown no sign of weakening their support.

Despite what senior officials have said are private doubts, Ms. Bhutto has publicly endorsed the American approach to the conflict. Since Soviet troops withdrew on Feb. 15, this has combined a continued flow of weapons to the guerrillas through Pakistan with backing for the rebel leaders' demand that President Najibullah's Kabul Government step down as a condition for negotiations.

"THAT'S ALL RUBBISH!"

While rejecting proposals from Kabul for talks, the guerrillas have failed to fulfill their predictions that they would capture Kabul. Nor have they taken any provincial center that they did not already hold on Feb. 15, and they have expended much of their energy on feuding among themselves.

"Forget about Kabul falling," one Pakistani official said. "That's all rubbish! The present policy will never work, except to insure that Najibullah remains in power."

Although various alternative policies have been circulating among Pakistani officials, all of them have in common a move that the United States has so far been reluctant to make: telling the rebels, in effect, that they can no longer rely on the $600 million a year in arms and other assistance that has been provided by Washington if they cannot force Mr. Najibullah from power and if they refuse to consider any talks, however indirect, with Kabul.

Pakistaini officials said the possibilities for talks would include indirect negotiations with Mr. Najibullah through the United Nations or the summoning of a loya jirga, or grand assembly, a body Afghans have traditionally used for settling matters of national importance. One idea is that representatives of the Kabul Government, if not Mr. Najibullah and his top ministers, could attend the meeting.

STICKING WITH POLICY

The Pakistanis said senior American officials who have visited here recently, including Peter Tomsen, President Bush's special

envoy to the Afghan resistance, admitted that the hopes American officials have expressed in public—that the rebels will unite behind the provisional government established in Pakistan this year, and that they will achieve a military breakthrough that will force Mr. Najibullah out—seem increasingly unrealistic.

Still, the Pakistani officials said, the Americans argued for sticking with the policy, partly because they do not believe that anything else is likely to work and partly because they hope that Mikhail S. Gorbachev, the Soviet leader, will dump Mr. Najibullah.

Some believe that the Kabul leader, who has survived at least two coup attempts already this year, may be toppled by rivals within his Government. But this is seen as a long shot, and among Pakistani and American officials here express similar doubts about the Kremlin abandoning Mr. Najibullah. Western diplomats also cautioned against expecting any rebel military breakthrough before next spring, and probably not then.

"The Americans aren't fools," one of Pakistan's top Afghan experts said. "Whatever they say in public, they agree with us 100 per cent about what's been going on. And they know that if it doesn't get any better, they won't be able to sustain the policy for very long."

At one point, the officials said, Ms. Bhutto said she would consider opening the Afghan policy for national debate by making a speech in the National Assembly that would question where the current approach was leading. But the officials said the Prime Minister decided not to speak, partly because of her concerns about trouble from Pakistan's most powerful fundamentalist group, the Islamic Society, which has close ties to the strongest and most hard-line of the Afghan rebel factions.

Now, the officials said, if a policy change was to come, it would have to be initiated by the United States.●

THE RETIREMENT OF REAR ADM. PETER DEMAYO

● Mr. WARNER. Mr. President, I rise today to acknowledge the service of a great American on the occasion of his retirement. Rear Adm. Peter Demayo, the present deputy assistant commander for aviation depots within the Navy's Air System Command will retire tomorrow, February 9, thus bringing an end to his 32 years of service to our country in the U.S. Navy.

Rear Admiral Demayo joined the Navy in 1958 receiving a commission as a Supply Corps officer. During the early years of his career he served tours aboard the *Cacapon* (AOO-52) and the U.S.S. *Canopus* (AS-34). Additionally, he served at the Navy Supply Center, Oakland, CA, Fleet Activities, Sasebo, Japan, and the Electronic Supply Office, Great Lakes, IL. He was also assigned to Headquarters, Naval Material Command here in Washington, DC.

From 1972 to 1975, he served as assistant professor and director of the Systems Acquisition Management Program at the Naval Postgraduate School, Monterey, CA. He then served as supply officer for the U.S.S. *Holland* (AS-32), supporting fleet ballistic missile submarines in Holy Loch, Scotland.

Returning to Washington, he acted as special assistant to the Assistant Secretary of the Navy, Manpower, Reserve Affairs, and Logistics, where he worked on the settlement of major shipbuilding claims. Following that tour he became the executive director for contracts at the Naval Air Systems Command, Washington, DC. From June 1982 to July 1987 he was the assistant commander for contracts, Naval Air Systems Command. In July 1987 he assumed his current position as deputy assistant commander for aviation depots.

Mr. President, during his tenure as deputy assistant commander for aviation depots, Admiral Demayo has personally seen to the modernization of these important national assets. He has organized the depots into an effective and flourishing industrial corporation which performs depot level maintenance on aircraft, aircraft engines, and a quarter of a million various other components each year. He has made total quality management [TQM] a reality within his corporation and has ensured the American taxpayer is getting the most for dollar invested. His reorganization of the depot system and creation of a corporate board to oversee the activities of this $2 billion a year business has allowed the depots to compete successfully for open bid contracts. The depots at North Island and Norfolk teamed together to bid on the contract to rework the Navy's F-14 and won. Not only have these depots successfully executed this contract, but have reduced the cost of the F-14 standard level depot maintenance from $1.7 million per aircraft to $1.3 million per aircraft.

As Rear Admiral Demayo retires, I salute his accomplishments. In this day of austere budgets, he has brought about change which ultimately strengthens our readiness and ensures we can continue to enjoy today's peace while remaining ready to respond to tomorrow's threat.●

CUDAHY MEMORIAL

● Mr. KASTEN. Mr. President, I rise today to call to the attention of my colleagues an act of patriotic devotion that deserves the respect of all Americans.

On May 28 the Cudahy War Memorial Fund, in conjunction with the Allied Veterans Council of Cudahy, will be dedicating a memorial to veterans who have served in foreign wars. This memorial, which will be located in Sheridan Park in Cudahy, WI, is a living sign of the continued devotion of Cudahy's war veterans to the principles that built our Nation and made it a wonder of the world.

On May 28, Cudahy will hold what is expected to be the greatest parade in its history to honor these men and their accomplishment.

It is going to be a great day for Cudahy. And it would not be possible if not for the hard work and dedication of the Cudahy War Memorial Fund—of Bud Bessler; Joseph Farina; George Dawidziak; Lloyd Buttke; Robert Felle Jr.; Alexander Haidarian; Joseph Macek; Anthony Luljak; Donald Jankowski; Frank Chovanec; Daniel Furdek; and Donald Arthur Jensen.

These men based their lives on the idea that a sacrifice for America—for this land of liberty—is the greatest and most valuable gift anyone can give. Their work, and the cooperation of the whole Cudahy community, shows that this spirit is still alive in southeast Wisconsin.●

PANAMA ASSISTANCE

● Mr. ADAMS. Mr. President, in passing this authorizing legislation, the Congress expresses its support for the process of rebuilding the Panamanian economy, and in assisting the effort to establish and maintain lasting democratic institutions in that country. The United States has a unique historic relationship with Panama, as well as vital national security interests that can only be protected by a free and vital Panamanian Government. Events of the last several years, culminating with the use of U.S. military forces to dislodge the dictatorship of Manuel Noriega, have been deeply troubling. Our mutual interests will be best served by an early removal of our troops, and a quick and speedy recovery of the Panamanian economy.

I am particularly concerned that the Panamanian banking system, under Mr. Noriega, became notorious as a laundering point for the illegal profits from the drug smuggling industry. Changes in banking laws and regulations undertaken during the Noriega regime allowed the Colombian drug cartels to hide their profits in international banking institutions. Because the vast majority of initial drug transactions in the Western Hemisphere involved our currency, which is also the currency of the Government of Panama, it is clear that our national effort to stem the flow of narcotics is directly related to our ability to stem the flow of drug profits. This legislation is an important first step in helping to place the Panamanian economic system on sound, legal ground. I look forward with considerable interest to the report the President will submit by April 15 of this year describing the specific steps being taken by the Panamanian Government to eliminate those bank secrecy practices that allowed international narcotic traffick-

ers a safe heaven within Panama's banking system.●

CIVIL RIGHTS ACT OF 1990

● Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the Civil Rights Act of 1990. This important legislation has been introduced in the Congress to correct a number of unfortunate decisions by the Supreme Court during the last term that significantly eroded earlier landmark civil rights decisions of the Court. The impact of these 1989 decisions is to reverse the course the Congress and the Court have been following over the past quarter century since the enactment of the Civil Rights Act of 1964.

The Civil Rights Act of 1990 would prohibit reliance on prejudice in making employment decisions and would prohibit racial harassment on the job and other forms of discrimination in the application of contracts. These are protections that were drastically limited in Supreme Court decisions last year. In addition the legislation would restore the burden of proof standards for proving discriminatory employment practices that were established 18 years ago in a unanimous Supreme Court decision that was effectively overruled by the Court last year.

The bill will also encourage voluntary settlement agreements to resolve discrimination cases in communities across the Nation and will extend the protections against intentional job discrimination to victims of sexual, religious, or ethhnic harassment.

I am pleased to join Senator KENNEDY and the bipartisan group of 30 Senators who have joined as cosponsors of this important legislation. I am greatly concerned about the direction the Supreme Court has taken in the last year on protecting employees from discrimination and urge the Senate to make the Civil Rights Act of 1990 one of its major legislative priorities this year.●

NICARAGUA'S DENIAL OF VISAS TO MEMBERS OF PRESIDENT'S OBSERVER COMMISSION

● Mr. DURENBERGER. Mr. President, it is now abundantly clear that the Nicaraguan Government will not permit members of President Bush's Election Observer Commission, of which I am a member, to enter Nicaragua. Senator LUGAR and Congressman BEILENSON, along with the administration, have worked tirelessly to identify a means by which the Nicaraguan Government would issue visas to the entire Commission. Numerous options have been explored with the Nicaraguan Government, but the Sandinistas have remained totally inflexible, 100 percent unyielding in their refusal to grant entry visas.

As a result of this intransigence, Senator LUGAR announced yesterday that the President's Commission has been disbanded. This is certainly unfortunate, and will make it more difficult for the Congress to forge a consensus on future United States policy toward Nicaragua.

The Sandinista's stated objection to granting visas is that the President's Commission, comprised of Members of the same Congress that voted to provide funds to support the democratic process in Nicaragua, cannot possibly be impartial observers. It is obviously not important to the Sandinistas that the Commission, by design and explicit intention, comprises a broadly-based, bipartisan, and ideologically mixed membership from both Houses of Congress.

As Senator LUGAR stated yesterday, in his considerable experience as an election observer, he has never been denied access to a purportedly honest election process. Mr. President, I ask unanimous consent that the text of Senator LUGAR's statement be included in the RECORD at the conclusion of my remarks.

President Bush's objectives in constituting the Commission are to provide an opportunity for Members of Congress to monitor first-hand the election process in Nicaragua in order to determine the degree to which the Nicaraguan Government is keeping its commitment to hold a free and fair election. Furthermore, by observing the election process, members would be better able to lead an informed debate regarding United States policy vis-a-vis Nicaragua in the post-election period.

Mr. President, there are the objectives that the Sandinistas have chosen to frustrate by their adamant refusal to grant the visas.

If the election process is as free and fair as the Nicaraguan Government insist, it seems to this Senator at least that it would enhance the credibility of their assertions by having that process certified even by those who may have been critical of Nicaragua in the past. I agree with Senator LUGAR's characterization of the Sandinista decision to deny visas as a foreign policy blunder. They have far more to lose than to gain by their continued intransigence.

United States policy toward Nicaragua is at a watershed point. In the aftermath and pending the outcome of the elections, the United States will no doubt resume an active debate on the proper policy toward that country. This Senator would suggest that the actions taken by the Sandinistas are even more important than the elections themselves.

Mr. President, this Senator wants to state unequivocally, regardless of the visa question and regardless of the outcome of the elections, Nicaragua has only just begun the long process of democratization. It is clear that the elections are not the end objective. They represent an essential element in a much broader, longer-term process of creating a democratic, pluralist, and open society. Nor is it clear as of yet that the election process, in all its phases, will be judged free and fair.

Even if the Sandinistas win an election that international observers consider to have met acceptable standards, that it no way implies that we will automatically return to fully normalized bilateral relations between the United States and Nicaragua. The singular, if significant, act of conducting a fair election process does not immediately and automatically grant Nicaragua membership in the family of democratic nations.

The country still must live up to the commitments it has made to its own people, its neighbors, and the international community.

Regardless of the election's outcome, will the Sandinistas finally end their support for the Marxist FMLN guerrillas in El Salvador, as they have promised to do? Will the Sandinistas drastically cut the size of their enormous military and internal security forces, as their neighbors and the internal opposition have demanded? Will the Sandinistas end party control of the military and police forces?

Will they permit the political opposition to operate as a legitimate democratic opposition, with the rights and responsibilities normally accorded the opposition in a functioning democracy? Will the Sandinistas end their harassment of nonparty businesses, church and other groups in the Nicaraguan society? Will there be a legitimate system of justice?

I want to reiterate that the Nicaraguan elections are a watershed event for United States policy and relations vis a vis Nicaragua. Regardless of whether members of the President's Commission receive entry visas, our commitment to promoting democracy in Nicaragua is not diminished in any way.

Mr. President, the United States has a longstanding commitment to democracy for all the people of our hemisphere. We congratulate the people of Chile, Brazil, Costa Rica, Honduras, Panama, and others for their recent expressions of freedom and democracy. We continue to hold out that hope to the people of Cuba and especially Nicaragua. The cynical decision by the Nicaraguan Government to exclude a bipartisan group of observers from this Congress and appointed by our President, casts a dark shadow over both this election and the future of United States-Nicaraguan relations.●

● Mr. LUGAR. Mr. President, early last summer, I suggested to President Bush that given the importance of the

Nicaraguan election to the potential alleviation of one of our worst foreign policy dilemmas, an official election observer group should be appointed months in advance. All members could visit Nicaragua and come to a careful understanding of both historical and current circumstances.

In unprecedented fashion, President Bush appointed a bipartisan, two-House, diverse 20-member congressional observer group on November 14 to be cochaired by Representative ANTHONY BEILENSON and me. We were charged with visiting Nicaragua at all possible times and locations and given the widest latitude for our own deliberations and report. I was confident that we could serve an important purpose by witnessing for democracy through well-informed observation and leadership in the inevitable post-election debate on Nicaraguan-United States relationships which will follow the February 25 balloting.

It is now apparent that our entire delegation will not be invited to come to Nicaragua as a group. Individual members have been denied visas. I have written to President Daniel Ortega. Other Americans who have visited Nicaragua have requested that our observer group be invited to come. I have requested assistance from legal counsel representing Nicaragua in Washington.

The Nicaraguan Government has remained intransigent in arbitrarily choosing those it wished to observe the election and making a point of hostility to any official United States observers.

Representative BEILENSON and I have informed our group that we will not be traveling to Nicaragua as a group. Individual members may wish to seek visas or make statements about the situation, but Representative BEILENSON and I will not travel to Nicaragua for the election. The Bush administration concurs in our decision.

I applaud the observation efforts of the United Nations, the OAS, President Carter and his group, the Center for Democracy, and the National Endowment for Democracy among many others. The acceleration of an election timetable, the freeing of political prisoners, international pressure to end violent campaign incidents, bringing some equity into media availability, and taking seriously the various accords of the Central American democratically elected presidents have been stimulated and reinforced by international observers including some very able witnesses from the United States.

It has been my privilege to serve as a cochairman of several United States election observer groups. This is the first time that I have been denied access to a purportedly free and fair election process. I am disappointed by this turn by events.

Nevertheless, the results of the election in building democratic institutions in Nicaragua and in all of Central America should be evident in the days and weeks following the election.

Even from a distance, I will be able to note whether there is a new-found tolerance for pluralism and diversity of thought, a system of justice, an end to political prisons and neighborhood watch committees, a bill of rights guaranteeing religious, political, and press freedom, property rights, and the right to travel freely.

The end of subversion of other democracies in Central America should be evident and is essential for a new relationship to prosper.

I look forward to being an active participant in the post-election debate and in the formulation of new policy for Nicaragua and Central America.●

DEPARTMENT OF THE ENVIRONMENT ACT

● Mr. BINGAMAN. Mr. President, I rise today in support of the Department of the Environment Act. The legislation was introduced by Senator GLENN, chairman of the Governmental Affairs Committee, with the assistance of Senator ROTH, the ranking member of the Governmental Affairs Committee. I commend my distinguished colleagues for their efforts in drafting this important legislation.

S. 2006 would elevate the Environmental Protection Agency to a Cabinet-level department, the Department of the Environment. This newly established position would give environmental issues the status they deserve. The United States is the only industrialized nation that has not created a high-level Department for the Environment. The world community has indicated that they are prepared to elevate the importance of environmental issues on national and international agendas. At the European economic summit in Paris last July, the leaders of the seven largest industrial nations devoted a third of their communique to an appeal for decisive action to understand and protect the Earth's ecological balance. Last November, the Administrator of EPA attended an international meeting with environmental ministers from 67 other countries to discuss and adopt agreement in principle on the stabilization of carbon dioxide emissions. Dealing with environmental, resource, and development issues in the future will require a far greater degree of productive dialog between nations of the world. The United States is in a position to provide leadership in finding solutions to environmental problems. The Department of the Environment can be an effective mechanism for meeting that goal.

Environmental concerns are now addressed at the sub-Cabinet level. A sub-Cabinet EPA does not send the appropriate signal to the rest of the world as to the priority and leadership to be given by the United States to environmental protection policy. By enacting the Department of the Environment Act, we will send a clear signal both to the Nation and abroad that the United States is serious about the environment and is willing to take a leadership position in finding solutions to global environmental problems.

At home, the United States will continue to face environmental challenges whether it be acid rain, air pollution, solid waste, or the depletion of the ozone layer. It will take political action and greater public awareness to sufficiently address the environmental concerns of today. As Congress progresses with amendments to the Clean Air Act, we must demonstrate that we stand firmly behind effective environmental policies.

In New Mexico, we are confronted with many of the same environmental problems facing other States: solid waste disposal, air and water pollution, and hazardous waste storage. As States like New Mexico continue to grow, so will their need for additional assistance in meeting environmental health and safety. We must give EPA the proper status to ensure that such needs are met.

Specifically, the bill would redesignate the Environmental Protection Agency as the Department of Environment; would authorize an Interagency Task Force of Global Environmental Change to advise multilateral assistant organizations to promote energy conservation and environmental protection through program efforts, and calls for convening in the United States an International Summit on Energy Efficiency and Renewable Resources as well as the negotiation of a Multilateral Global Climate Protection Convention.

The bill also creates a Bureau of Environmental Statistics and an Advisory Council on Environmental Statistics. This is an important step in ensuring that environmental statistics receive the attention they deserve. As chairman of the Government Information and Regulation Subcommittee, I intend to work closely with Senators GLENN and ROTH to make the Bureau a full-fledged part of our national statistical and information system. I am also pleased that the bill designs in statute a chief information officer which acknowledges the need for a focal point for information resource management issues in this needed agency. I hope we can extend this concept to other Federal agencies as well.

It seems clear that environmental dialog is essential in building and enhancing awareness among world leaders and the citizens of all nations to responsibly address the environmental

and resource issues that will continue to challenge us. I urge all of my colleagues to give their full support to this measure.●

LAOS

● Mr. KOHL. Mr. President, I have heard disturbing reports about the military activity in Laos. I have also heard disturbing reports about the failure of our Government to fully investigate that activity. Let me share with my colleagues some of the reports I have received.

There have been serious accusations made about the role of Vietnam in the current conflict in Laos. The Vietnamese have been accused of being their air force to support a number of military attacks. There are conflicting reports about whether the Vietnamese presence is increasing or declining there. There have been reports of attacks or villages in which dozens of civilians have been killed or injured and much property damaged. Most seriously, it has been said that chemical weapons are being used in the fighting.

Mr. President, these are all unconfirmed reports. Most of them have reached my hands from the many Hmong immigrants who have been able to make a home for themselves in my State. These are serious matters, Mr. President. When there were unconfirmed reports of chemical weapons being used in Afghanistan, we did everything we could to find out the truth. But it seems that in Laos we are doing nothing.

I realize that the conditions in Laos make it very difficult to document these charges. The reported fighting is alleged to have taken place in remote villages and regions. We do not have a large contingent of foreign service people there, and finding the resources to make further investigations is not easy. But there are other ways, Mr. President, that could be persued. We could ask international organizations to investigate the situation. We could refocus some of the intense concentration currently being placed on Cambodia onto neighboring Laos. We could make a point of bringing this matter up in the United Nations.

Mr. President, I do not know the actual extent of the fighting in Laos. The State Department does not know either. I think its time we find out. If there is any truth to the reports that chemical weapons are being used, the international community must know about it.●

DRUG AND ALCOHOL TESTING

● Mr. DANFORTH. Mr. President, in the second session, Congress needs to act on a critically important piece of unfinished business. During the 101st Congress, the Senate has passed—seven times—legislation to require drug and alcohol testing of transportation professionals. As a result, the Senate went into conference with the House on three separate bills containing drug and alcohol testing provisions. We were unable to reach agreement on drug and alcohol testing because the two House committees with responsibility for rail, aviation, and motor carrier safety once again refused to deal with us on the subject.

We must enact legislation requiring random, postaccident, reasonable cause, periodic, and preemployment testing for both drugs and alcohol. In December, Department of Transportation rules which require that transportation workers be tested for drugs, but not alcohol, became effective. In addition, DOT's random and postaccident drug testing program for truck and bus drivers has been postponed indefinitely, pending outcome of related court cases.

The need for drug and alcohol testing for truck and bus drivers has never been greater. On February 5, the National Transportation Safety Board announced the results of a 1-year study of fatal truck accidents in eight sample States. The NTSB found that 33 percent of the truck drivers killed in those accidents were impaired by drugs or alcohol. We don't need more evidence. We need action. Enacting drug and alcohol testing legislation is important unfinished business for the 101st Congress.●

MISSISSIPPI RIVER STUDY ACT

● Mr. GORE. Mr. President, I rise today as a cosponsor of the Mississippi River Corridor Study Commission Act. I am pleased to join Senators BREAUX and DURENBERGER, the leaders of this legislation, my other colleagues from the Mississippi River States, and the leaders of similar legislation in the House of Representatives in recognizing the need to explore the resources and potential of this region and to study the feasibility of creating a Mississippi River National Heritage Corridor.

The Mississippi River is one of our Nation's most vast and powerful natural resources, which contributes to and often shapes the rich culture, commerce, and history of its 10 border States. These States and the Mississippi River form a scenic corridor that has an abundance of natural resources and tells much of the history of this region. The people of these States have identified the need to preserve the precious history and culture of the corridor and to enhance the standard of living of its people. This bill will launch a comprehensive effort to preserve and enhance the great resources of the Mississippi Corridor.

The region is filled with people who are representative of the values that America was founded on. These values can be seen through the residents' pride in their heritage and dedication to hard work. The rich soil has made the area a leader in agricultural production. And, for decades, the delta's authors and musicians have influenced our national character. The Mississippi and its people inspired and have been encouraged by the writings of Mark Twain and Eudora Welty and the moving sounds of W.C. Handy's blues music.

With all of these assets, however, the Mississippi valley area has experienced many hardships. According to the 1980 census 20.9 percent of the residents of the delta valley region are afflicted by extreme poverty. The unemployment rate for this region for 1988 was 8.8 percent compared to a national average of 5.5 percent.

The Mississippi Corridor Study Act has the support of organizations and people throughout the valley who are committed to changing this trend and helping the region realize its full potential by tapping into the corridor's abundance of natural and human resources. This bill would establish a 3-year Mississippi River Study Commission which would prepare a report that would include an inventory of the historic, recreational, scenic, cultural recreational, and scientific resources of the Mississippi Corridor and describe a 10-year plan that would promote and encourage historic preservation, tourism, environmental protection and economic development.

The Commission's final report to Congress would make recommendations for improving national awareness of the importance of the river and for the participation of State and local governments in the protection, preservation, and enhancement of the cited resources. The River Commission will also determine if designation as a national heritage corridor is the best approach to protecting, preserving, and enhancing the region.

Passage of this bill will serve two significant needs: it will help preserve the history and culture of this national treasure for future generations, and it will help ensure that a substantial portion of our Nation's citizenry can lay claim to the opportunity due all Americans.

Mr. President, I urge my colleagues in the Senate to give their full support to this important recognition to a region of extreme national significance.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2320. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current programming plans for commodity assistance under Public Law 480 for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2321. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Turkey for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2322. A communication from the Director, Administration, and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the consolidation of the Military Department's Fiscal year 1989 Unit Exchange of Training and Related Support Between the United States and Foreign Countries; to the Committee on Armed Services.

EC-2323. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a study with respect to converting the base operating support function and Niagara Falls Air Force Reserve Base, New York, to performance by contract; to the Committee on Armed Services.

EC-2324. A communication from the President and Chief Executive Officer, Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, a report regarding Equal Opportunity and Outreach Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2325. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Fish and Wildlife Service on the administration of the Marine Mammal Protection Act for calendar year 1988; to the Committee on Commerce, Science, and Transportation.

EC-2326. A communication from the Acting Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification of an extension of time for rendering a decision in Coal Trading Corporation Et Al, v The Baltimore and Ohio Railroad Company, Et Al; to the Committee on Commerce, Science, and Transportation.

EC-2327. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2328. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, certain certifications from States and the District of Columbia under the Low-Level Radioactive Waste Policy Amendments Act; to the Committee on Energy and Natural Resources.

EC-2329. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2330. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2331. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2332. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 1, 1990; to the Committee on Foreign Relations.

EC-2333. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the operation of the Senior Executive Service; to the Committee on Governmental Affairs.

EC-2334. A communication from the Vice Chairman and Chief Financial Office of the Potomac Electric Power Company, transmitting, pursuant to law, a copy of the balance sheet of the Potomac Electric Power Company as of December 31, 1989; to the Committee on Governmental Affairs.

EC-2335. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2336. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department of State on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2337. A communication from the Assistant Secretary of the Interior (Indian Affairs) and the Assistant Secretary of the Interior (Policy, Budget and Administration), transmitting, pursuant to law, the annual plan for bringing educational facilities operated by the Bureau of Indian Affairs into compliance with all applicable Federal, Tribal, or State health and safety standards; to the Select Committee on Indian Affairs.

EC-2338. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the amount deposited in the United States Trustee System Fund and a description of expenditures from the Fund for fiscal year 1989; to the Committee on the Judiciary.

EC-2339. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to modify the prior Congressional "report and wait" restrictions which are imposed upon certain Department of Veterans Affairs administrative reorganizations by section 210(b)(2) of that title; to the Committee on Veterans Affairs.

ORDERS FOR TUESDAY, FEBRUARY 20, 1990

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Tuesday, February 20, there be a period for morning business until 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

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

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, February 20, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the party conferences.

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

RECESS UNTIL 11:30 A.M., TUESDAY, FEBRUARY 20, 1990

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the provisions of House Concurrent Resolution 256 until 11:30 a.m. on Tuesday, February 20, 1990.

Their being no objection, the Senate, at 6:36 p.m., recessed until Tuesday, February 20, 1990, at 11:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1990:

NATIONAL TRANSPORTATION SAFETY BOARD

SUSAN M. COUGHLIN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1993.

JAMES L. KOLSTAD, OF COLORADO, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF 2 YEARS.

INTERSTATE COMMERCE COMMISSION

EDWARD J. PHILBIN, OF CALIFORNIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1993.

DEPARTMENT OF COMMERCE

JOHN W. LYONS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

FEDERAL MARITIME COMMISSION

WILLIAM D. HATHAWAY, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1993.

FEDERAL COMMUNICATIONS COMMISSION

ERVIN S. DUGGAN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1989.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.