

SENATE—Thursday, June 7, 1990

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 10 a.m. on the expiration of the recess, and was called to order by the Honorable RICHARD BRYAN, a Senator from the State of Nevada.

PRAYER

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

Let us pray:

We remember with gratitude, this morning as we pray, Keenen Peck, a young man from the staff of Senator KOHL, who died Wednesday night unexpectedly. We thank You, God, for his life, and we commend him to Your loving care.

And God shall wipe away all the tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there be any more pain: for the former things are passed away. And he that sat upon the throne said, Behold, I make all things new.
* * *—Revelation 21:4, 5.

Gracious Father, as we celebrated President Eisenhower's 100th birthday in the House Chamber and four decades of military achievements on the east steps, we were reminded of the glorious hope toward which all creation looks.

Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He hath loosed the fateful lightning of His terrible swift sword;
His truth is marching on.

In the beauty of the lilies, Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As He died to make men holy, let us live to make men free,
While God is marching on.

Glory! glory, hallelujah!
Glory! glory, hallelujah!
Glory! glory, hallelujah!
Our God is marching on.

(First and fourth stanzas, "Mine Eyes Have Seen the Glory," Julia W. Howe, 1862.)

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF SENATOR KOHL

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin [Mr. KOHL] is recognized.

DEATH OF KEENEN PECK

Mr. KOHL. It is my sad duty, Mr. President, to inform the Senate this morning of the death of one of my most prized staff assistants, Mr. Keenen Peck. He died early Wednesday morning in his sleep. He was a very special person, intelligent and charming and a hard worker; industrious; as effective as you could expect to find from any person with whom you ever worked. I and all the people with whom I work in my office, and I am sure many, many people around the Senate and the Hill, are going to feel very sad as they hear me talk and find out that Keenen Peck is no longer with us.

We will have a memorial service sometime next week at a time and date to be determined, and I ask leave to absent myself from the Senate tomorrow in order to attend his funeral in Chicago.

I thank the Chair.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

KEENEN PECK

Mr. MITCHELL. Mr. President, I wish to extend my personal sympathy and that of all Senators to the family of Mr. Peck and to Senator KOHL and members of his office. Obviously, it is always difficult when a loved one dies. It is especially difficult when it occurs in the youth of life, especially a life

which held so much promise as that of Mr. Peck's. We all join with Senator KOHL and staff in extending our deepest regrets to Mr. Peck's family.

THE JOURNAL

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

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The vote on the motion to invoke cloture on the crime bill will occur at 10:30 this morning, with the required live quorum having been waived by consent. Any Senators who wish to file second-degree amendments to the crime bill may do so up to 10:30 this morning. Should cloture be invoked on the crime bill, the Senate will then remain on that measure until final disposition. In the event cloture is not invoked, the Senate will resume consideration of S. 341, the blind air passengers bill.

I understand that the House is expected to act early today on the President's veto message on H.R. 2364, the Amtrak authorization bill. If the House acts to override, as it is expected to do, it is my intention to bring that matter before the Senate as soon as it is available, which in all likelihood will be sometime during the day today.

Therefore, Mr. President, for the information of Senators, in summary, the cloture vote will occur at 10:30. Depending upon the outcome of that vote, the Senate will then either be on the crime bill or the Blind Air Passengers Act. During today's session, the Senate could consider the President's veto message on the Amtrak authorization bill. Rollcall votes are likely to occur today and a late night session with many votes is likely.

RESERVATION OF LEADER TIME

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

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

and I reserve all of the leader time of the distinguished Republican leader.

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

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 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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.

LINE-ITEM VETO

Mr. LOTT. Mr. President, yesterday I was quite amused, really amused, at the debate on the line-item veto. Senator after Senator came in and expressed horror at the idea that the President of the United States would have the line-item veto, that, oh my goodness, there is no telling what he would do with it. He might even help get spending down a little bit.

Is it a solution to the budget deficit problem? Absolutely not. It has never been advocated that way. But as the President knows, most Governors have this authority. I would think that they do not abuse the authority of the line-item veto.

I remember also the fact that Presidents for 200 years, from Thomas Jefferson through Richard Nixon, had what was known as "impoundment." We start blaming the deficit on all kinds of things. Some of us would say it was the beginning of the Budget Impoundment Act of 1974, and that it has been downhill every day since.

Others would say it is the dastardly Gramm-Rudman-Hollings, that all these laws are not helping, but making things worse.

The problem is us. The enemy is us. The Congress needs to get its act together. I think we should give the President the line-item veto authority. I do not understand what the Congress is so afraid of. I realize that some future President, maybe some past Presidents, would have line-item vetoed something that I would like to have had in various bills. I have done that myself. I have had line items included. But you run that risk.

I really do not think Presidents would abuse that authority. I tell you this: I asked the Senators to check with their constituents and see what they have to say about the line-item veto. The next time you go to a civic club, you go to a farm bureau, go to a labor meeting, ask for a show of hands. Whether you are in South Carolina, Mississippi, wherever you are in this country, the people generally support this concept.

But the discussion naturally turns to the budget, and some of the problems with the budget. Various and sundry Senators here yesterday maintained that the President causes this problem, the President needs to lead, the President needs to solve this problem of the budget deficit.

Come on. Presidents did not have to submit budgets until a few years ago, and under a law—not under the Constitution. President Bush submitted a budget. The Congress kicked it out in the street, threw rocks at it, said forget that. Finally, the House passed an unbelievably irresponsible budget resolution. The Senate has not even acted. We are saying, "Come on Mr. President. We did not like the first one; give us another one."

What do you think the next one would be? The Congress would bash it again, because the President surely would not advocate more and more and more spending across the board on every front. The problem is here.

One perfect example, year after year Presidents unwisely say give us a supplemental, maybe \$1 billion. What does Congress do? We give it to him, plus \$3 billion. That is an example of what happens time after time after time.

The problem with the Federal budget deficit is the insatiable spending appetite by the Congress. I have heard this stuff for 10 years. I have been in budget negotiations; I was in the gang of 17. I know what happens. We get in there. Everybody first kind of dances around. Then they say, "Well, the solution is more taxes. That is what we need, more taxes."

Right now in budget negotiations, if you look at what they are really talking about, they are talking about taxes, they are talking about more cuts in defense. When you get through analyzing it, if the summiteers come up with \$55 billion, I would be willing to wager that maybe \$5 billion of it would be some reduction in actual spending—not very much though.

What is the problem with the budget deficit? We are projected next year to spend for the Federal Government, hear me now, \$1.24 trillion. We are saying if we can find \$55 billion in there, that we could reduce spending? I do not understand it. The problem is spending.

Always we say, give us more taxes. The record is clear. Every time we

voted for more taxes, spending has gone up. It has gobbled up what we had in more revenue, plus some. This Member has been willing to vote for some of those things. I voted for TEFRA back in 1982 and 1983, and if I could take back one vote in the last 10 years, that is the one. I bought the deal.

I said if we are going to have all of these wonderful, lovely spending programs, many of which I support, we have to pay for them. I thought we had a deal. We were going to cut spending, raise some taxes. We got the taxes; we did not cut spending. I went along with it. I said we have to face this thing.

Frankly, my constituency, which comes from the poorest State in the Nation, still believes we should have a balanced budget. What we need to do with the budget deficit is for this body to get started.

I tell you, if you look at what is in the budget resolution which the Senate has been talking about taking up right now, it is about a \$17 billion increase over last year's spending level.

Mr. President, observing that no other Senators are presently seeking recognition, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

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

Mr. LOTT. Mr. President, at a time when revenues are going up, estimated in this fiscal year to be \$70 billion more than we had last year, with defense spending clearly being cut no telling how much—somewhere between \$7 and \$23 billion below what the President asked for—with those two lines occurring in the budget deficits, why in the world are we still going to have real significant increases in the deficit over the previous year? It makes no sense.

What is happening is we are spending additional revenue, we are spending the so-called peace dividend with more and more and bigger and bigger problems over the previous year. A lot of these programs are great programs. I acknowledged it time and time again. I think we need to spend more money on highways, on education, fighting drugs and the crime problem, which apparently this body does not want us to significantly debate and amend because we are trying and apparently are going to invoke cloture, when the Members of the Senate have over 200 amendments they want to offer on this important issue.

But no, no. We do not want to consider that. I say to my colleagues here this morning, fear not the line-item veto. It will not bite us. Quit pointing fingers at it. I have said this during the Presidencies of Republicans and

Democrats. Look at Jimmy Carter's budgets. Every one of them was a better budget than what the Congress passed, the Congress of his own party. The problem is here.

On this crime package, why in the world will we not allow Senators of both parties to step up and offer important, relevant, significant amendments on the most important issue facing this country today, crime, the criminal, the victims, society? I do not understand it.

But I do think, once again, that the problem is the Senate. Let us quit trying to put blame somewhere else.

Thank you, Mr. President.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

HONORING MR. EDWARD E. CARLSON

Mr. GORTON. Mr. President, for most of my distinguished colleagues who are not from the Pacific Northwest the mental image of my corner of the country is apt to be ill-defined. Perhaps the collective impression might include mountains, fir trees, and wide open spaces, all wrapped in the soft embrace of a gentle but constant rainfall.

But, Mr. President, and honored colleagues, were I to ask any of you to describe what you associate with Seattle specifically, your answer might well be more concrete. If you are like most Americans—indeed, like most people on Earth who are aware of Seattle at all—perhaps in your mind's eye now stands an image of our Space Needle, symbol of the 1962 World's Fair and of Seattle's coming of age.

But, as proud as we in Washington are of the Space Needle and its worldwide recognition, we have long known that the true symbol of the spirit of our region was the Space Needle's creator, Edward E. Carlson. Eddie died on April 3, 1990; we are greatly impoverished by his passing.

Eddie Carlson began life as a kid from the wrong side of the tracks whose first jobs were as a caddy and a bellboy. From that beginning, he became the creative and administrative genius behind the Seattle World's Fair; builder of the international chain of Westin hotels; the corporate savior of the financially embattled United Airlines. Yet, in eulogizing him, those of us who were privileged to know him and report after report in the media have concentrated on his open and friendly nature, his kindness, warmth, and generosity. His enormous accomplishments seem almost secondary to the man himself.

I have reflected on my own friendship with Eddie, and tried to think of how his private personality might have differed from his public image.

The answer, perhaps more for Eddie than for anyone I have ever known, is that there was no difference. Eddie Carlson returned my phone calls long before I was a U.S. Senator. He treated me, and everyone, with respect and friendship, and inspired intense admiration from all whose lives he touched. Eddie Carlson as a friend was the same Eddie Carlson, the businessman and civic leader.

Those of us in the Northwest have lost a unique and beloved friend. Perhaps we will come to think of Eddie Carlson's Space Needle no longer as a symbol of the city of Seattle, but as a monument to the man who was himself its symbol.

On behalf of the Senate of the United States, I extend condolences to Nell Carlson, Eddie's wife of 53 years; to his son, Eugene Carlson; his daughter Jane Williams; and to the three grandchildren he left behind.

I ask unanimous consent to have printed in the RECORD an article from the Seattle Post-Intelligencer of Thursday, April 5, 1990. It gives a fuller account of the magnitude of our loss as a result of the death of Eddie Carlson.

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

[From the Seattle Post-Intelligencer, Apr. 5, 1990]

BELLBOY WHO ROSE TO TOP

(By Larry Werner)

Eddie Carlson was a former bellboy who punched the right buttons and rose to the top floor of success, with corporate power, civic respect and national honors.

But Carlson, 78, who died late Tuesday of cancer, was remembered yesterday by friends and family not so much for his galaxy of achievements but for his gentle caring manner. He never forgot the bellboys of the world and he didn't just "find" time for people. He made the time.

"Regardless of how high he went, he was always just a regular guy," said Kenny Hudson, a Westin Hotel bellman who began at the old Olympic 49 years ago. "He treated everybody just like they were regular workers, regular people, with respect."

Federal Appellate Judge Jerome Farris remembers many United Airlines flights, when Carlson was the top executive. When clerks and flight attendants would find that Farris was from Seattle, they'd ask if he knew Carlson.

"I'll never forget the warmth with which they inquired, the joy with which they remembered him," Farris said. "I'll bet there aren't many people who lead corporations who get to know their line workers that way."

Carlson was father of the 1962 Seattle World's Fair. He built a small string of regional hotels into the international Westin chain. And as chairman of United Airlines Co. in the 1970s, he led the financially battered airline back into black ink.

Edward E. Carlson, who shunned the formal in favor of "Eddie," was born in 1911 in Tacoma. Seventy-five years later, when Carlson was named to the U.S. Business Hall of Fame, he would tell Fortune maga-

zine he had come "from a broken home on the wrong side of the tracks."

He was the oldest son of a Swedish father who worked as a streetcar motorman and of a mother whose family came from Eastern Canada. His parents, who had married as teen-agers, lived in quarrelsome poverty until they divorced. Carlson was then 14.

The family breakup thrust him into a series of part-time jobs to raise money to help support himself, mother and sister, and established what would become a lifetime pattern of hard work.

As a caddy at golf clubs in Seattle and Tacoma, Carlson was the poor boy who saw "impressive homes and . . . important business people who were in the news and who were nice to me."

As a first step toward becoming one of those important people, he enrolled at the University of Washington in 1928. Later caught up in business, Carlson never finished his university degree.

But he eventually did receive one of the university's highest honors—the degree of alumnus summa laude dignitatus. And as a regent, his constant concern was that the state's institutions of higher education receive adequate financial support.

To pay his tuition at the university, Carlson worked as a hotel bellboy and night clerk.

Three decades later, in 1960, he would become president of Western Hotels, when the company had 19 hotels, mostly in the Northwest. By 1970, Western International Hotels was a chain with 60 hotels in 13 countries.

But Carlson was just starting to turn the odds, along with a lot of heads, in the world of business.

At an age when many are planning for retirement, Carlson, at 59, undertook what became a legendary business turnaround.

The Western Hotel chain, though highly successful, had spent a lot of money to finance its rapid growth, and Carlson was concerned about a downturn. To stave it off, he negotiated a merger in 1970 between Western and UAL Inc., the holding company for the airline. (The hotel chain was renamed Westin in 1981.)

At the time, Carlson thought his principal role had ended. But just four months after the merger, UAL's new directors, unhappy with the performance of the previous chief executive officer, installed Carlson in his place.

Faced with recession, new competition and costs for a bulky fleet of jumbo planes, the airline had ended \$46 million in the red in 1970, its worst loss ever to that time. Carlson knew virtually nothing about airlines. But he canceled United orders for more big planes, cut by one-sixth the airline's daily flights, and decentralized management to regional centers.

Within a year, the airline's red ink had dropped to \$7 million and by 1974 it was reporting \$86.3 million in profit on revenues of \$2.2 billion.

The Carlson magic had reached a new pinnacle, but his ego never matched it.

"I had a big block of stock and they figured I'd work my fanny off to take care of that interest, which is pretty true," he told Fortune magazine, whose interview portrayed Carlson as "modestly resisting the notion that he saved United Airlines." However, the magazine added: "Let the facts speak for themselves."

The facts had spoken, as well, in another of Carlson's biggest life efforts—one any visitor, native or newcomer nearly always asso-

ciates with Seattle. It was the towering Space Needle of a city in love with a fair.

The 1962 Century 21 Exposition, attended by more than 9.6 million people from around the globe, was far more than a fair. It was the crowning accomplishment of a group of dreamers—Carlson among them—who wanted to put the city on the international map.

To Carlson, who was asked by Gov. Arthur B. Langlie to chair a committee to study the fair's feasibility, obstacles such as public skepticism, funding and lawsuits over land use were overshadowed by the visions.

Carlson put his hand to everything from hyping the fair across the country to seeking support from a joint session of the Legislature, for the creation of what is now the Pacific Science Center to soliciting financial support from business.

Perhaps no single success of the fair, which generated more than \$10 million in admissions and ended in the black, inspired Carlson more than his brainchild, the Space Needle.

On May 26, 1961, when concrete began to pour into the 30-foot-deep excavation crisscrossed by 250 tons of reinforcing steel, Carlson could not help but cry a little. The fair had become one of his greatest accomplishments.

Buoyed by hope and enthusiasm, relentless in his drive, Carlson was always fond of saying that his was a story of the American way. Anyone who applied themselves could make it, even a poor kid from a broken home on the wrong side of the tracks.

UW President William Gerberding said Carlson "was powerful, not because he asserted himself in a domineering way, but just by force of character."

"He always asked questions about everything; he had this insatiable curiosity. He listened to people. He didn't have preconceived ideas, and when he took on an issue he surrounded it."

Carlson's son, Eugene, said his father was "an extremely organized guy. He was a born manager, and there was nothing helter-skelter about his approach to anything."

"I guess it's kind of a cliché to say he was an extraordinary family man, but he was. His family always came first. He didn't have a particularly happy family life as a child, and I think he vowed that it would be different for his children. He worked very hard at that."

The late Rabbi Raphael Levine noted in his 1985 book, "Profiles in Service," that Carlson "cares about people, and has managed to stay modest as well as friendly. He gratefully credits all with whom he has worked, and mentions luck as another factor in his success."

Carlson's career included managing the Rainier Club before World War II, serving as a lieutenant commander in the Navy during the war, and becoming assistant to the president of Western Hotels in 1946. He was a director of several banks and a half-dozen corporations, and also served on the boards of three hospitals and a number of social, cultural, philanthropic and other national organizations.

Carlson is survived by Nell, his wife of 53 years; son Eugene, a reporter for the Wall Street Journal; daughter Jane Williams, vice president of the Seattle Foundation; two grandsons and a granddaughter.

A memorial service will be conducted at 4 p.m. Saturday at St. Mark's Cathedral. The family suggests memorials to the Edward E. Carlson Endowment for Leadership at the UW.

Eugene Carlson described the endowment, established by his father last year, as a plan "to spark a new generation of civic leaders by exposing students to public service."

Mr. SYMMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. SYMMS] is recognized.

A TRIBUTE TO SENATOR QUENTIN BURDICK

Mr. SYMMS. Mr. President, I rise today to pay tribute to a colleague, sportsman, and fraternity brother, Senator QUENTIN BURDICK. June 28 marks Senator BURDICK's 30th year in the Senate, an event celebrated by only 35 other Senators in our Nation's history.

Senator BURDICK comes from a distinguished family which has represented North Dakota in the U.S. Congress for more than half the 100-year history of that State. When his father retired from 20 years of service in the U.S. House of Representatives in 1958, QUENTIN won that House seat. In 1960, he was elected to the Senate with the endorsement of the Democratic Non-Partisan League and he has sustained an impressive string of electoral victories since that time. Senator BURDICK has been instrumental in the success of the Democratic-NPL Party in North Dakota, which now controls the State's three congressional seats, as well as the State Senate and all but one statewide office.

It has been my privilege to serve with Senator BURDICK on the Senate Environment and Public Works Committee since I first came to this body in 1981. We both represent rural, Western States, and our constituents share many of the same interests relating to public works projects, including water resources and highways. As a result of these shared interests, we often find ourselves on the same side of the trenches. In 1987 Senator BURDICK became chairman of the Environment and Public Works Committee, providing excellent leadership to those of us who serve on the committee. I look forward to a continued good working relationship with my friend, the chairman, and I congratulate him on his remarkable tenure in this body.

TRIBUTE TO JEREMY BREAZEAL

Mr. SYMMS. Mr. President, I rise today to call support to a youngster from my State, Jeremy Breazeal. Jeremy, an eighth-grader from Lewiston, was one of 50 winners in the RespecTeen Speak For Yourself letter-writing contest. The letter-writing contest was part of the RespecTeen Speak For Yourself education program offered to social studies teachers nationwide in October 1989. The program encourages students to examine issues that affect their lives and teaches how

they can play a role in government decisionmaking.

Jeremy set an example for other young people to follow by exercising his right to speak up and be heard. He wrote to Representative LARRY CRAIG on his concerns over current abortion issues. In his letter he did a fine job of defending his position on the controversial topic of "aborting by the pill." I ask unanimous consent that Jeremy's article be printed in the RECORD following my remarks, and I commend it to the attention of my colleagues.

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

LEWISTON ID, February 1990.

Representative LARRY CRAIG,
Longworth House Office, Washington, DC.

DEAR REPRESENTATIVE CRAIG: There are many issues which are of concern to people in today's world. One that I have been hearing a lot about and have developed an interest in is abortion. This issue concerns me because it is a life or death situation for an unborn baby.

A television poll was recently taken in Idaho asking the people whether they wanted our Legislative Branch to decide the issue or if the people themselves wanted to decide the morality and legality of abortion at the voting booths. The people of Idaho have said in an overwhelming majority to let us, the people of Idaho vote on it. I believe that if we were given the chance to vote, abortion, would be illegal here.

My opinion of the abortion issue is that it should be outlawed because I believe that life begins when the male cell, sperm, and the female cell, egg, are joined to form a zygote. I have no reference to back this information up, it is just my opinion. Not only do I think the operation form of abortion is wrong, but I also think the method used in France, swallowing 3 pills and getting a shot to abort the fetus, is also wrong.

Representative Craig, I pray that you would do everything in your power to keep the "abort by pill" method out of the United States and that you continue the fight against abortion.

Sincerely,

JEREMY W. BREAZEAL.

INAUGURATION OF PRESIDENT LEE TENG-HUI

Mr. SYMMS. Mr. President, I recently had the privilege of representing the President, along with Congressman JOHN PAUL HAMMERSCHMIDT, from Arkansas, and former Secretary of the Interior, Tom Kleppe, at the inauguration of President Lee Teng-hui in Taiwan. President Lee was elected by the National Assembly to the eighth presidential term of the Republic of China. While there, I had the privilege of attending President Lee's inaugural address, titled, "Opening a New Era for the Chinese People."

President Lee Teng-hui outlined in his address a multifaceted plan to guide the Republic of China toward achieving broader democratic institutions, continue their pursuit of human rights, actively invest more in social

welfare, and develop a comprehensive strategy to fulfill its international responsibilities.

The president confirmed his commitment to political democratization by calling for necessary revisions to portions of the Republic of China's Constitution, particularly matters concerning the parliamentary organs of the central government and the system of local government. Added to this commitment of democratic innovation, the president acknowledged the need for the institutionalization of party politics as well as implementing measures to ensure clean and fair elections. His call for fair competition among political parties and entrusting decisions to the will of the people clearly indicates his determination to bring greater plurality to the people of Taiwan.

President Lee declared as one of his highest priorities the need to ensure the well-being of the people. Social welfare innovations in the areas of public safety, living conditions, and care for the handicapped and aged will soon supplement existing institutions. He has also called for accelerated renovation of the judicial system, which will further strengthen these programs.

The Republic of China will continue its forty year record of continued growth of the economy and trade, as well as its successful pursuit of technological innovation and industrial upgrading. The United States has much to gain in a cooperative, mutually complementary relationship with the Republic of China, as history demonstrates.

As a member of the international community, the Republic of China has consistently recognized international standards of equality and reciprocity in its relationships with other countries. President Lee has promised they will continue to build upon these existing relationships by fulfilling their international trade responsibilities.

As the Republic of China undertakes the difficult task of strengthening their democratic form of government, we should encourage the progression of President Lee's bold proposals.

Mr. President, I believe it would be in the interest of all Senators to carefully read his inaugural address, and I ask unanimous consent that it be printed in the RECORD following my statement.

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

OPENING A NEW ERA FOR THE CHINESE PEOPLE
(Inaugural Address, the Eighth President of the Republic of China, Lee Teng-hui, May 20, 1990)

My Dear Countrymen and Distinguished Guests: The eighth session of the National Assembly elected me, Lee Teng-hui, to the eighth presidential term of the Republic of China. Today I, together with Vice Presi-

dent Li Yuan-zu, will take my oath of office in accordance with the stipulations of our Constitution. The entire people have charged me with a solemn office. With such a heavy responsibility on my shoulders, I will naturally do my utmost to adhere to the terms of the presidential oath, devoting my full efforts to protecting the country and enhancing the welfare of the people.

A look at the current world situation reveals that we now find ourselves in a great era of rapid change. The pursuit of political democracy, economic liberalization, and world peace by all of humanity is now a raging, irresistible tide that will inevitably destroy the shackles of systems that refuse to change with the times and the stockades of closed, totalitarian ideologies. Accordingly, the international situation has progressed from antagonism to conciliation. We, the Chinese people, naturally cannot exclude ourselves from this massive tide. Rising up to take advantage of this opportunity and lay a comprehensive and lasting foundation for the future of the Chinese people is the common responsibility of the 1.2 billion Chinese at home and abroad. It is also the duty of the people on our bastion of national revival, civilian and military alike, to lead the way with great wisdom, determination, and solidarity, based on our many years of experience and achievements in implementing political democracy and an economy that benefits the people. Accepting the people's high expectations and trust in these extraordinary times, I feel the weight of my responsibility is multiplied many times over. I earnestly hope that all compatriots continue to offer your support and encouragement, so that over the coming six years of this presidential term, I can execute my duties to the fullest and fulfill the mission history has given us.

The Constitution of the Republic of China was drafted in accordance with the bequeathed teachings of our founding father, Dr. Sun Yat-sen. Its goal is to clearly delineate the distribution of power, and incorporate the strengths of China and the West to establish a sound democratic system. However, the process of drafting the Constitution involved many twists and turns and compromises. At the time it was first put into effect, the nation was embroiled in war and chaos. In view of these special circumstances, the Temporary Provisions Effective During the Period of Mobilization for the Suppression of the Communist Rebellion were enacted. For the past forty-some years, under the leadership of the late president Chiang Kai-shek and Chiang Ching-kuo, this painstakingly executed design has made an undeniable contribution to maintaining stability on our bastion of national revival, and creating the miracle of the "Taiwan experience." Nevertheless, with the changing domestic and international situation and the increasingly ardent desire of the people for democratic rule of law, the political environment of our bastion of national revival is not the same as in the past. Everybody now recognizes that normal development of a system of constitutional democracy is the only path to thoroughly implementing political democracy. Thus it is my hope that a termination of the Period of Mobilization for the Suppression of the Communist Rebellion can be declared, in accordance with the law, in the shortest possible period of time. Furthermore, based on the many years of experience we have accumulated in implementing our Constitution and on the needs arising from the current national environment, for-

ward-looking and necessary revisions will be made to portions of the Constitution concerning such matters as the parliamentary organs of the central government, the system of local government, and government organization to provide the Chinese people with a legal code that is in accord with the trends of our times, and to establish a great model of political democracy for all times. This difficult task can not be achieved in a single leap. The government will, in full sincerity and a spirit of selflessness, solicit the suggestions of people of all walks of life and cautiously and actively work at this task, so that, with the participation and encouragement of the people, it can be completed within a period of two years.

Equally important as innovation in our system of constitutional government is the institutionalization of party politics. Fair competition among political parties and entrusting decisions to the will of the people are the best way to ensure thorough implementation of constitutional democracy. I have stressed on many occasions that we must invest our full efforts in building up our system and in cultivating a sound concept of the rule of law, so that all political activities can be carried out within the framework of the system, and operate according to the standards of the law. However, I also wish to emphasize that any responsible political proposition must have identification with the Republic of China as its premise, and the welfare of all the people as its basis. The government will accelerate renovation of the judicial system to solidify our foundation for the rule of law, make the civil service system sounder to raise administrative efficiency, and ensure clean elections so that outstanding members of society can achieve their goal of serving the people through a process of fair elections. If we proceed gradually, one step at a time, our system of party politics will naturally become sounder over time, our foundation of democracy will naturally become firmer, and the time when the country is well-governed and enjoys lasting stability will naturally be in sight.

We know that there is a mutually complementary and mutually reinforcing relationship between a prosperous economy and the development of political democracy. Because the Taiwan-Penghu-Kinmen-Matsu area has over the past forty years implemented a free economic system oriented toward enhancing the people's livelihood, it has a brilliant record of both rapid growth and equitable distribution of wealth. This fruit of the efforts of all the people has long been known throughout the world, and it has served to create a successful theory and model for all the developing countries of the world. Looking to the future, the government will, in addition to adhering to its set policies of liberalization and internationalization so as to maintain the continued growth of the economy and trade, design a comprehensive plan for the use and development of our land, accelerate state-of-the-art scientific and technological research and transfer, advance the upgrading of industry, improve the production structure of agriculture and fishery, open up markets for foreign trade, and strengthen international cooperation, so that through a concerted effort, our economic development can in the six years to come expand its scope and horizons in its march toward a new level of achievement.

We believe that ensuring the people's well-being is the most important task of all

development, and the fruits of all development should be enjoyed by all the people. In the process of economic development, the government should actively invest more in social welfare, and should, based on the particular circumstances of our country, learn from the experiences of more advanced countries and design a concrete program for the welfare of all the people, so that our citizens can live and work in safety and harmony, and the aged, weak, and handicapped can receive the care they need. At the same time, the government should also thoroughly implement ecological protection and prevention of public hazards, while improving traffic, public safety, and living environment conditions. In this way the people will not only have access to plentiful resources for their everyday life, but will also enjoy a rich and meaningful spiritual life, thus thoroughly realizing the ideals of prosperity and equitable distribution of wealth as prescribed in our Principle of the People's Well-Being.

We understand that culture and education are our nation's roots, and are the foundation of further national development. Any material or institutional development is destined to remain at a superficial level unless it is able to enrich our culture and raise our academic level. Through regional integration and cultural exchange, the overall development of the international community is gradually moving toward becoming an indivisible whole. This age of unprecedented vigorous development in our bastion of national revival is also the ideal time for making an objective review of our culture, and to choose and retain the best portions of it, and incorporate the strengths of other cultures where appropriate. We must begin with elementary school education, cultivating sound growth according to a plan, so as to set the minds and spirits of our people on the right track, mold their temperaments, and develop in them the life attitudes of placing a high value on ethics, being public-spirited and trustworthy, maintaining honor and discipline, and respecting the law. This will in turn promote the development of the Chinese cultural characteristic of being able to accommodate many diverse influences, thus making a valuable contribution to the well-being of mankind and world peace.

Fellow Countrymen, Distinguished Guests: Although development in the Republic of China over the past forty years has been restricted to the Taiwan-Penghu-Kinmen-Matsu area, all plans have been conceived with the future of all of China in mind. Taiwan and the mainland are indivisible parts of China's territory, and all Chinese are compatriots of the same flesh and blood. At this time when all of humanity longs for peace and is pursuing conciliation, all Chinese should work together to seek peaceful and democratic means to achieve our common goal of national reunification. In this time when the Communist countries of the world, including the Soviet Union, are declaring their renouncement of one-party dictatorship and the communist economic system, the Chinese Communists truly have no reason, and no strength, to continue to resist this trend over the long term. We sincerely hope that the Chinese Communists will become cognizant of the trends of the times, face up to the future, quicken their pace, and boldly march toward the goals of political democratization, economic liberalization, and social pluralization.

I would like at this point to earnestly declare that, if the Chinese Communist au-

thorities can recognize the overall world trend and the common hope of all Chinese, implement political democracy and a free economic system, renounce the use of military force in the Taiwan Straits and not interfere with our development of foreign relations on the basis of a one-China policy, we would be willing, on a basis of equality, to establish channels of communication, and completely open up academic, cultural, economic, trade, scientific, and technological exchange, to lay a foundation of mutual respect, peace, and prosperity. We hope then, when objective conditions are ripe, we will be able to discuss the matter of our national reunification, based on the common will of the Chinese people on both sides of the Taiwan Straits.

Reunification, prosperity, and strength for China are the common hopes of all Chinese people. But in addition to the unshirkable responsibility borne by the people on both sides of the Taiwan Straits, overseas Chinese the world over, always loyal and patriotic, also play an important role. The government must expend its greatest efforts to assist overseas Chinese in their economic enterprises and in cultural and educational work. We have particular concern for our compatriots in Hong Kong and Macao, and hope that the Chinese Communist authorities will fully respect their rights to political and economic freedom. The government of the Republic of China will not pull out its organizations now based in that area, so as to help maintain the prosperity and stability of the Hong Kong-Macao area and the well-being of all Chinese people.

At the same time, I wish to reiterate that the Republic of China is an independent and sovereign nation. We express our utmost admiration to the friendly countries who have maintained formal diplomatic relations with us over the years, and we value these relations highly. We also hope to be able to strengthen and upgrade mutual cooperation with countries who would like to treat us with friendship on a foundation of substantive relations. As a member of the international community, the Republic of China has, on a basis of equality and reciprocity, long adhered to international standards, participated in international organizations, and worked to carry out its international responsibilities. We will work even more actively and pragmatically to expand our freedom of action in international activities, promote international cooperation, and contribute our efforts toward greater prosperity and peace for the world community. It is our hope that we can continue to expand bilateral exchanges with the United States on the current basis, so as to enhance our traditional friendship and mutual interests. We hope that Japan will make even more constructive contributions to the future of both Japan and the Republic of China with a view to the long term. And we hope that through close cooperation with neighboring countries in the Asian-Pacific region we can together advance economic development in the region, to usher in the early arrival of the Age of the Pacific.

Fellow Countrymen, Distinguished Guests: Over two thousand years ago, Chinese culture gave birth to the ideal of a great world commonwealth of peace and prosperity. The political, economic, and social systems and goals that it entails are in full accord with those implemented and sought by modern free and democratic nations. A goal of these many years of untiring effort of the government of the Republic of China is also to achieve a renaissance

and enhanced development of Chinese culture. We sincerely hope that during this generation, we can establish a political model of democratic rule of law, to lay the foundation for a prosperous and equitable economic system and to create a peaceful, happy, trusting, and harmonious society. We want Chinese the world over to be able to raise their heads and be proud, and live with meaning and dignity. We wish to solemnly declare to all Chinese as well as to the whole world that beginning now we are prepared with incomparable confidence to open a great and brilliant new era for the entire Chinese people.

Thank you.

VOTE "NO" ON CLOTURE REGARDING CRIME BILL

Mr. SYMMS. Mr. President, I heard the comments of my colleague from Mississippi on a subject I want to comment on with respect to the upcoming cloture vote on the crime package.

Mr. President, I urge my colleagues to vote no on cloture. I think there is no issue more important to the American people than this crime package. But to preclude us from having a full-fledged debate and a full agenda of amendments, I think would be less than the appropriate way to handle the package. I think there is a serious problem in the bill with respect to the amendment that precludes law-abiding citizens from having certain firearms but will do nothing to stop the criminal element from having those firearms.

So I think that cloture would be premature. I intend to vote against cloture. I hope my colleagues will vote against cloture and that we can get on with this crime bill and have a full-fledged debate and allow our colleagues to have a chance to offer the amendments that they want to offer to this bill and have a full debate on the issues that are so important to the American people in each of our respective States.

I yield the floor.

VOTE "YES" ON CLOTURE REGARDING CRIME BILL

Mr. BIDEN. Mr. President, very shortly, in about 4 minutes, we are going to vote on the second cloture vote, and I do not think we should have any illusions about what it means. It is do or die for the President's crime package. The President sent a bill up here a year ago, and he said he wanted very badly for it to be considered. It contained at least four provisions which the Senate, up to that point, had chosen not to deal with in the package. Those were the death penalty and expansion of the death penalty, along the lines that the bill now has; second, a change in habeas corpus that would significantly reduce the number of times someone sitting on death row could appeal to

the courts to overturn or relook at their sentence on conviction. Third, the exclusionary rule deals with what evidence can and cannot be admitted in a trial, that evidence seized by police officers. Fourth, to deal with gun, assault weapons; the President had legislation relative to that.

I know my good friend from Mississippi, Senator LORR, and others have come to the floor, as is their right, to speak about the reason to vote against cloture, so they can get their amendments up. They will be able to get those amendments up, Mr. President, on the vehicle that is usually the vehicle on which we would entertain these amendments. The drug legislation, which will be coming forward later in the year, is the appropriate vehicle for the vast majority of what we are going to be considering. We do it every year. But if we vote against cloture, the President's bill goes down. The President's bill goes down. The President's bill goes down.

Keep in mind now where this all started a year ago. The President sent up a crime bill. We passed all the portions of the crime bill but four. The President spent the next 9 months saying that the Senate will not consider those four issues. So by unanimous consent, Republicans and Democrats alike said, "BIDEN, take that back to the Judiciary Committee and come out with a vehicle that has those four things in it: habeas corpus, death penalty, exclusionary rule, and guns, and give us a chance to vote on the President's proposal."

BIDEN introduced S. 1970, a crime bill. The Senator from South Carolina introduced S. 1971, essentially the bill submitted by the President. We are going to debate that now. But 330 amendments have been filed. I hope we will get on and give those 4 points an opportunity to live or die, as they say, legislatively.

I thank the Chair for this opportunity, and I yield the floor.

Mr. DURENBERGER. Mr. President, today I will vote against cloture on S. 1970, the omnibus crime bill. I do so because I oppose the death penalty.

My record and views on the death penalty are crystal clear and unchangeable: I oppose it in any form and in any circumstance. I have spent my 11 years in the Senate working against such measures, never voting for it or in any way to make this reprehensible punishment more likely.

Yet, Mr. President, that is what today's cloture vote would do. This vote would make the death penalty more likely because not only does the omnibus crime bill contain the death penalty for various crimes, but includes measures that make this ultimate penalty easier to carry out. To me this is not only bad policy but morally wrong. And, as I have done in the past I will vote against cloture today.

TRIBUTE TO DONALD C. BYERS

Mr. GRASSLEY. Mr. President, I rise today to pay recognition to Donald C. Byers of Newton, IA, who is about to retire after 37 years of service with the Maytag Corp.

Maytag is headquartered in Newton, IA, and has a well-deserved reputation for producing quality products. Equally important, however, is Maytag's reputation for quality people who are dedicated not only to their company, but to their community. Don Byers exemplifies this commitment and I am pleased to recognize his many accomplishments and achievements.

Mr. Byers began his career as an attorney for the Maytag Co. in 1953 and was elected secretary and general counsel in 1973. It is indeed a tribute to his skills and talents that he has served Maytag in many additional capacities: director of government affairs, chairman of its political action committee, and president of Heartland Rail Corp. Through his initiative, Heartland was formed to reinstitute rail service for Iowa shippers on the former east-west Rock Island line.

Mr. Byers has made numerous contributions to the business community in the State of Iowa through his distinguished service as chairman of the Iowa Association of Business and Industry and as a former chairman of the Iowa Industrial Commissioner's Advisory Committee. He has also served on special committees for the Iowa State Bar Association.

Mr. Byers has worked extensively with the Association of Home Appliance Manufacturers, having served as chairman of the association's government relations board and legal operations committee. In addition, he was instrumental in creating a risk retention insurance company that provides general and product liability insurance coverage for the appliance industry. He was recognized for his contributions at the association's annual meeting this spring.

Don's special interest is in the field of education. A 1951 graduate of Drake University Law School, he currently is chairman of the board of governors of the university. He also served as chairman of the Drake Law School's drive to raise funds for scholarships and various endowments and the university has honored him with its Distinguished Service Award. He has also received a Distinguished Service Award from Iowa Wesleyan College where he earned a B.A. degree in 1949. In 1985, he was appointed by Gov. Branstad to the F.I.N.E. Foundation Governing Board which is charged with improving the quality of education in Iowa.

In his local community, Mr. Byers served for 9 years on the Newton Community School Board and was elected president twice. Over the years he has headed campaigns to raise funds for

school facilities, the most notable being one that raised \$1.8 million to build the Newton High School Center for Performance. In 1981, the Newton Education Association presented him with its Friend of Education Award.

Active in community affairs, Mr. Byers is a past chairman of the community betterment committee of the Newton Chamber of Commerce. He is currently chairman of an environmental and community beautification group known as Project Awake. As a member of Newton's First United Methodist Church, he has taught church school and headed a long-range planning committee to raise funds for building renovations.

Mr. President, I have had the privilege of working with Don Byers for many years. He served as cochairman of my 1986 reelection campaign and on Senator DOLE's statewide Presidential campaign committee in 1988. The dedication that he applies to all his commitments are an inspiration to those around him.

Don's selfless devotion to his work and community is surpassed only by the importance he places on his family. He and his lovely wife, Dori, have four adult children and nine grandchildren.

In recognition of his countless contributions to the State of Iowa, I want to congratulate Don Byers and convey to him best wishes for what will surely be an active retirement.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,909th day that Terry Anderson has been held in captivity in Beirut.

Mr. DOLE. Mr. President, do I have leader time reserved?

The PRESIDING OFFICER. Yes. The Republican leader is recognized. The time has been reserved for the minority leader and without objection he may proceed.

THE DANGER IS REAL

Mr. DOLE. Mr. President, I wanted to speak about a danger that I think is real. It is both tragic and ironic while the United States and the Soviet Union take major strides toward reducing the risk of nuclear war in Europe that India and Pakistan may be sliding toward a military conflict that could in a worse-case scenario produce an exchange of nuclear weapons.

This is not some idle worry. I have no intention of revealing any classified or sensitive information. But I will say this: The threat—both of war, and of nuclear war—is real. It is not too late to keep things from getting out of hand, but the tide is running in the

wrong direction, and time may be running out.

The immediate cause of the crisis in South Asia is the deteriorating situation in Kashmir where hundreds have already died. No one is free from blame for causing, and exacerbating, the current crisis.

Irresponsible and extreme elements in both India and Pakistan are fueling the flames of hatred and tension. Neither the Indian nor the Pakistani Government has yet undertaken any effective initiative to reduce tensions.

Of course, this is not just a matter for the two directly involved nations. A war between India and Pakistan will inevitably have impact on the United States, the Soviet Union, China, and all the nations of the region. A nuclear war would have Earth-shaking implications for every nation on Earth.

Mr. President, this is the business of us all.

The Soviet Union has a special relationship with India, and a special responsibility to use its influence in New Delhi to urge restraint on the Indian Government.

China is one of Pakistan's closest friends and is a major supplier of military equipment to Pakistan. It ought to be urging the Pakistani Government to show similar restraint.

And we have good relations with both governments, and perhaps a special opportunity to use our good offices to help find a way out of this crisis.

Mr. President, I commend to all Senators a column which appeared in today's New York Times, written by Leonard Spector of the Carnegie Endowment—which lays out and analyzes the basic facts surrounding this crisis.

And, in closing, Mr. President, I urge all Senators to give special attention to this potentially disastrous situation.

We all have an enormous stake in what happens in Kashmir, and a responsibility to do everything we can to insure that there is no war—and especially no nuclear war—between India and Pakistan.

Mr. President, I ask unanimous consent to have the New York Times article by Leonard Spector 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, June 7, 1990]

INDIA-PAKISTAN WAR: IT COULD BE NUCLEAR
(By Leonard S. Spector)

WASHINGTON.—If India and Pakistan go to war over Kashmir in the months ahead, it would be the first major military conflict in history between two states with ready access to nuclear arms. Though neither state is thought to have deployed nuclear weapons as yet, both could do so quickly, perhaps within weeks. India's force could number 40 to 60 weapons, deliverable on any of some 200 advanced aircraft. That's enough to wipe out Pakistan's major cities several times over.

Pakistan's nuclear force would be much smaller. It probably can make only 5 to 10 bombs and possesses only 40 to 50 first-class strike aircraft. Still, this is more than enough to cause a million casualties in India.

If war comes, much more will be at issue than the future of Kashmir, the predominantly Muslim Indian state whose status triggered India-Pakistan fighting in 1948 and 1965. Not only will the nuclear forces available to both sides open the possibility of untold civilian casualties, but Pakistan's survival could be at stake.

A leader of the militant Hindu B.J.P. Party—a part of Prime Minister V.P. Singh's parliamentary coalition in India—has declared, for example, that if war comes, "Pakistan will cease to exist." In contrast, the hostilities between Chinese and Soviet forces in the late 1960's—the only time two nuclear states actually clashed—were limited to skirmishes for control of a remote border area.

Indian talk of eliminating its rival obviously stirs deep anxieties in Pakistan, where memories of the third India-Pakistan war, in 1971, remain fresh. In that conflict, Indian intervention on behalf of Bengali separatists resulted in the dismemberment of Pakistan as it then existed, with East Pakistan becoming the independent state of Bangladesh.

It was in the aftermath of India's decisive victory that Zulfikar Ali Bhutto began the country's quest for nuclear arms. Mr. Bhutto's daughter, Benazir, is now Pakistan's Prime Minister.

Ms. Bhutto—who has strong support in the U.S.—is thought to be more cautious than the two men with whom she must, in practice, share power, Army Chief of Staff Mirza Aslam Beg and President Gulam Ishaq Khan. But even Ms. Bhutto has been outspoken in supporting Kashmir's self-determination, and she recently further fueled tensions with India by announcing that Pakistan would send \$5 million to assist Muslim separatists in the disputed state.

If hostilities appeared imminent, Pakistani and Indian leaders would have little choice but to ready their nuclear forces. Fearing the worst from India and with a handful of weapons and top aircraft potentially available, Pakistani strategists would immediately try to protect the country's nuclear ace in the hole from pre-emptive attack. They inevitably would demand that nuclear devices be assembled, dispersed to several air bases and mounted on aircraft that could be kept on alert.

To avoid being placed at a disadvantage, India would also ready its weapons and do so in a way that others could easily observe. For example, it might send a large daytime convoy from an atomic research center to a major air base, assuming that it would be spotted by a U.S. intelligence satellite. Even if the crisis were to subside without a shot fired, the nuclear history of the subcontinent would be forever changed and nuclear ambitions elsewhere in the world would be greatly encouraged.

What if major hostilities do break out? Will deterrence work and prevent nuclear escalation? It might, but in the Iran-Iraq war, where both sides had potent nonnuclear weapons, deterrence failed. And Iraq continued to use chemical weapons against Iran even after Iran began using them in response. Moreover, each side attacked the other's cities with ballistic missiles even when it faced retaliation in kind.

Washington, which is friendly with both states, may hold the key to averting a crisis.

It has already begun diplomatic efforts. Moscow is quietly helping, but could do more—by declaring, for example, that it will not countenance any Indian attempt to change the map of South Asia.

Despite Lithuania and other obvious pre-occupations, the superpowers need to join hands to forestall a nuclear confrontation between their allies in South Asia. The post-cold-war world must not become a series of regional nuclear battlefields.

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

WATERLOO KIWANIS CLUB

Mr. GRASSLEY. Mr. President, the name Kiwanis is derived from an Indian phrase which roughly translates "to express one's self." This year, as the National Kiwanis Club recognizes its 75 years of organization, the Waterloo, IA, Kiwanis Club is enjoying its 70th year of utility and as a local service organization will continue to express its dedication to supporting and assisting in the growth of the Waterloo community.

The Waterloo Kiwanis Club lives and works under the motto, "We Build" to make Waterloo a better place in which to live. Composed of business and professional men and women who are motivated by a common desire to serve their community and fellowman, the Waterloo Kiwanis Club strives to achieve together what individuals cannot do alone. This humanitarian organization has rendered financial support to a variety of community organizations such as: the Big Brothers and Big Sisters, the new YMCA building program, the Hawkeye Regional Red Cross Blood Center, the juvenile court services and the Boy and Girl Scouts to name a few, to help ensure a safer, more productive community for everyone. The Waterloo Kiwanis Club has also played an active and important role in establishing the Goodwill Industries of Northeast Iowa, which provides services and develops talents to men and women who are disabled.

Congratulations and best wishes to the Waterloo Kiwanis Club and its 70 years of devoted work. Because of the continued service and the ability to accept challenges without the thought of personal gain, the Waterloo Kiwanis Club will continue to build a better and happier Waterloo.

GENERAL SERVICES ADMINISTRATION BUILDING PROSPECTUSES APPROVED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK. Mr. President, the Senate Committee on Environment and Public Works has jurisdiction over the Public Buildings Program of the General Services Administration [GSA]. Under the Public Buildings

Act of 1959, the Administrator of General Services submits to the Public Works Committees of the House and Senate prospectuses describing in detail each proposed public building project, and the committees authorize projects by adopting resolutions approving the prospectuses.

Ten years ago the Senate Environment and Public Works Committee undertook a comprehensive overhaul of the public buildings authorization process. This effort resulted in reform legislation which required that the Public Buildings Program be authorized on an annual basis through legislation reported by the House and Senate Public Works Committees and acted upon by the Congress. The measure passed the Senate three times between 1980 and 1983 but was never enacted into law. Nevertheless, throughout the 1980's the Environment and Public Works Committee preferred to report to the Senate an annual bill authorizing GSA's Public Buildings Program.

The committee decided earlier this year to return to the practice of approving projects individually. There were several reasons for this change. The General Services Administration submits prospectuses to the committee throughout the year; authorizing projects individually will enable the committee to act on them in a more timely fashion. In addition, the Federal Buildings Fund [FBF] has experienced severe restraints in recent years. Needed construction projects have been deferred and the Federal Government has begun to rely increasingly on the rental of space to meet its facilities needs. Last year a task force of participants from the General Services Administration and the Office of Management and Budget identified 21 projects, with a combined cost of \$3 billion, which must be constructed during the next few years. Although a lease-purchase method of acquisition was originally contemplated for these projects, the administration recently proposed acquiring them through direct Federal construction. In either case, the Senate Public Works Committee wishes to give especially close scrutiny to any program involving such a massive outlay of Federal funds. Finally, a significant number of leases will expire during the 1990's and will need to be renewed or replaced, at what is expected to be considerably greater expense. The committee intends to examine each such proposal carefully to assess its merit in comparison to other demands on the Federal buildings fund.

The ranking minority member of the committee and I have written to the majority leader to inform him of several public buildings projects recently approved by Environment and Public Works. I ask unanimous consent that the letter be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, May 8, 1990.

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

DEAR MR. MAJORITY LEADER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the Senate Committee on Environment and Public Works approved the following projects on April 25, 1990.

11(b) RESOLUTIONS

Las Vegas, Nevada—Environmental Protection Agency.

New York State—Border Inspection Facilities.

SITE ACQUISITION AND DESIGN

Boston, Massachusetts—Federal Office Building-Courthouse.

LEASES

Jamaica, New York—U.S. Customs Service.

Crystal City, Virginia—Patent and Trademark Office.

NEW CONSTRUCTION PROJECTS

Menlo Park, California—Office-Laboratory Building.

Sacramento, California—John E. Moss Federal Building/U.S. Courthouse Extension.

Kansas City, Kansas—U.S. Courthouse.

Prince Georges County, Maryland—U.S. Courthouse.

Minneapolis, Minnesota—U.S. Courthouse.

Camden, New Jersey—Post Office and Courthouse Annex.

White Plains, New York—U.S. Courthouse.

Portland, Oregon—U.S. Courthouse Annex.

Wilkes-Barre, Pennsylvania—Social Security Administration Data Operations Center.

Alexandria, Virginia—U.S. Courthouse.

REPAIR AND ALTERATION PROJECTS

Calexico, California—New Border Station Facility.

Sacramento, California—John E. Moss, Federal Building/Courthouse.

San Diego, California—Federal Building/Courthouse.

San Francisco, California—Appraisers Building.

San Francisco, California—Customhouse.

Lakewood, Colorado—Denver Federal Center, Building 56.

Washington, DC Area—Elevators.

Washington, DC—Hubert H. Humphrey Building.

Washington, DC—Veterans Administration.

Atlanta, Georgia—Richard B. Russell Federal Building/Courthouse.

Chicago, Illinois—Customhouse, Phase 2.

Chicago, Illinois—Everett M. Dirksen Building, Phase 2.

Chicago, Illinois—Everett M. Dirksen Building, Sprinkler and Electric System.

Chicago, Illinois—Federal Building, 536 South Clark, Phase 2.

Indianapolis, Indiana—Federal Building/Courthouse.

St. Paul, Minnesota—Warren E. Burger Federal Building/Courthouse.

Newark, New Jersey—Peter W. Rodino, Jr., Federal Building.

Brooklyn, New York—Emanuel Cellar Federal Building/Courthouse, Phase 2.

New York, New York—Bowling Green Customhouse, Phase 1.

New York, New York—Jacob K. Javits Federal Building.

Rochester, New York—Kenneth B. Keating Federal Building.

Oklahoma City, Oklahoma—Post Office and Courthouse.

Philadelphia, Pennsylvania—Customhouse.

Pittsburgh, Pennsylvania—Post Office and Courthouse.

Nashville, Tennessee—Estes Kefauver Federal Building/Courthouse Annex.

Dallas, Texas—Federal Building Terminal Annex.

Ysleta, Texas—New Border Station Facility.

Arlington, Virginia—Pentagon, Phase 1.

Portsmouth, Virginia—Federal Building.

Seattle, Washington—Federal Building, 909 First Street.

Spokane, Washington—Federal Building/Post Office.

The original authorizing resolution is enclosed.

Sincerely,

QUENTIN N. BURDICK,
Chairman, Committee on Environment
and Public Works.

JOHN H. CHAFEE,
Ranking Minority Member, Committee
on Environment and Public Works.

CONSTRUCTION OF NEW FEDERAL BUILDING SPACE IN MINNEAPOLIS

Mr. DURENBERGER. Mr. President, today the Senate Committee on Environment and Public Works sends to the Senate a General Service Administration's facilities prospectus dealing with the construction of new Federal facilities in Minneapolis, MN.

The prospectus outlines the desperate need for new Federal facilities in Minneapolis and includes a proposal to renovate the current Federal building and construct a new building on Federal land—a parking lot—adjacent to the current building.

Mr. President, I am very pleased that GSA is taking these steps but the proposal outlined in the prospectus may not meet the long-term development needs of the city of Minneapolis. Accordingly, and at my request, GSA has begun negotiations with the city of Minneapolis and others concerned with this issue to see if an alternative site can be selected.

Thus, I want to make clear to the Senate and to GSA that it is the intent of the Environment and Public Works Committee that approval of the prospectus in no way inhibits GSA from seeking a more satisfactory site. Nor should the approval of the prospectus affect the negotiations between the GSA and the city of Minneapolis. The purpose of approving the prospectus is to authorize much-needed space for the U.S. Courts and Federal agencies in Minneapolis. Should these discussions result in the

submission of an amended prospectus, or a new prospectus, the committee will be happy to consider it. I ask the committee chairman, Senator BURDICK, if this is a correct understanding of the committee's intent?

Mr. BURDICK. Mr. President, the Senator from Minnesota is correct. It is not the committee's intent in authorizing this project to interfere with the on-going negotiations regarding new Federal facilities in Minneapolis. If a better arrangement is found, we would be happy to look at a new prospectus.

Mr. DURENBERGER. Mr. President, I thank the distinguished chairman for clarifying this point for me and appreciate the help he has given me on this issue. I would also like to ask the ranking member, if this is his understanding as well?

Mr. CHAFEE. Mr. President, I agree with the committee chairman. By approving the prospectus, it is not the committee's intention to interfere in the discussions currently taking place between GSA and the city regarding this construction project. The committee is aware of these negotiations and hopes that a project can be designed that will meet the concerns of all parties involved.

Mr. DURENBERGER. Mr. President, I thank the ranking member and appreciate his assistance in this matter. Does the Senator from New York and chairman, of the Subcommittee on Water Resources, Transportation, and Infrastructure, Senator MOYNIHAN, have any comments on this issue?

Mr. MOYNIHAN. Mr. President, I agree with the distinguished chairman and ranking member of our committee. In fact, I understand the Senator from Minnesota's concerns. The committee is always interested in finding better ways to meet the space needs of our Federal courts and is willing to consider a new prospectus, if that is appropriate.

Mr. DURENBERGER. Mr. President, I thank the Senator from New York for his words and appreciate his willingness to consider this matter.

LIFTING OF STATE OF EMERGENCY IN SOUTH AFRICA

Mr. KENNEDY. Mr. President, the lifting of the state of emergency in South Africa is a long overdue and important step which will help pave the way to end the brutal system of apartheid.

The actions by the Government of South Africa in recent months demonstrate that international economic sanctions are working. Meaningful progress toward dismantling apartheid is at last on the horizon—in part because of U.S. sanctions.

The end of the state of emergency is welcome, but apartheid is still in place.

This is no time for the United States or any other nation to lift any sanctions. Retention of the current sanctions is the best guarantee that progress will continue toward the goal of a free and democratic South Africa.

NORTH BENNET STREET SCHOOL

Mr. KENNEDY. Mr. President, one of the most important postsecondary educational institutions in Massachusetts is the North Bennet Street School in Boston. This private, non-profit school—which may well be the oldest vocational school in the United States—was incorporated more than a century ago as a settlement house. Initially the school offered education and job training to meet the needs of immigrants. Today, the school trains craftsmen for highly skilled work in a number of trades: cabinet and furniture making, bookbinding, carpentry, jewelry making and repair, piano technology, violin making and restoration, and locksmithing.

The North Bennet Street School utilizes an apprenticeship approach to education. Students study and train—sometimes for as long as 3 years—with master craftsmen. The results are impressive. Almost all graduates immediately find good jobs and the school has a waiting list for admission.

This school was recently featured in an article in *New England* magazine. I believe the article, entitled, "Artisan U," nicely captures the essence of this venerable institution. I would like to have this article reprinted in the *RECORD* because I believe it may be of interest to my colleagues, and so I ask unanimous consent.

At the same time, I wish to commend the school's director, Tim Williams, his able staff, the trustees, and especially the master craftsmen and teachers who make North Bennet Street such a special educational institution.

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

[From *New England Monthly*, Apr. 1990]

ARTISAN U.

(By Alexandra Kennedy)

The first major project for students in the furniture-making program at the North Bennet Street School is the completion of a tool chest. Through the process, they learn the feel of wood, of cutting dovetail joints, and using a shaper, a cutoff saw, a thickness planer. At one workbench in the classroom is a cherry tool chest reminiscent of a Shaker herb cabinet; at another, a magogany one that echoes the stock metal tool chests one might find in any basement. It's pretty typical of the place, a trade school that teaches traditional craftsmanship, to make something exquisite out of something utilitarian. The whine of a lathe filters in from the adjacent machine room. One man, bent over a Federal-style table, soaks strips of holly to make them flexible enough for inlay. Next to him a woman uses a chisel to

carve ball-and-claw feet. Every inch of work space is covered with the day's pall of dust and wood curls. No one says much. Around here, concentration cannot be overrated.

Before the furniture-making students graduate, they will have spent 2,200 hours in these rooms trying to live up to the school's expectations. Some of the other programs at North Bennet Street—violin making, for instance—require even more time. Magnificent objects are created here. In the bookbinding shop, Beryl Markham's *West with the Night* is encased in swatches of green, brown, and blue leather, a plane's-eye view of the African landscape. In the jewelry classroom, a tiny silver western saddle is set with sapphires. Like the tool chests, each piece is startling proof of the unparalleled quality of the school's handmade crafts; they are so nearly perfect as to give the uninitiated the illusion that the work is easy.

The school's vocations are tempting to idealize: the quaintness of old-world skills, working with one's hands. Ah, to build a tool chest as a shrine to hand tools! But the mission is not an aesthetic one. Like any trade school, NBSS is a post-secondary institution that prepares people for the work force. "We're not doing this to produce the next Stradivarius," says Tim Williams, the executive director. "We're here to help people succeed." North Bennet Street, which is nonprofit, offers only commercially viable programs: cabinet and furniture making, bookbinding, carpentry, preservation carpentry, jewelry making and repair, piano technology, violin making and restoration, and locksmithing. Ninety percent of the graduates move right on to good jobs.

The school's greatest asset, the foresight of its administration, has been consistent for one hundred years. The executives and boards have recognized which programs work, and modified or dropped those that no longer fit the needs of the community. Its latest overhaul came when Tim Williams arrived in 1974. At the time, the school was really a social service agency that sponsored youth programs and taught crafts and trades, predominantly to disadvantaged adults. Williams, who had had a varied career that included time with the New York Urban Coalition, a similar job training and employment organization, recognized some basic and serious problems. The school was losing money, and the trade and crafts skills being taught were misdirected. Violin making, for example, a craft that takes three years, great dexterity, and a musical ability, was just not a realistic course offering for its handicapped clientele. In addition, the school was competing for government money with the neighborhood's other social service organization, The North End Union. After much debate, Williams and the school board decided to give up the social service focus, transferring over to their rival the \$350,000 budget. North Bennet Street stuck with what it was doing best: training craftsmen for highly skilled work. By 1982 the school became accredited, qualifying its students for federal and state loans and scholarships.

The courses offered, the apprenticeship style of teaching, the determination to job train, and even the school's location are all the result of historical evolution. In 1885, the school began in its present site, a four-story brick building one block south of the Freedom Trail. (The school's facilities are by no stretch plush.) It was just one of many settlement houses in Boston. Italian, Irish, and Jewish immigrants unskilled in

urban occupations were sailing into Boston ports by the thousands, making the low-rent North End one of the most densely populated areas in the world. Quickly, the old guard got nervous about communicable diseases, crime, and social unrest. In the spirit of noblesse oblige, they took action, armed with mottoes such as "Elevation by contact" and "Not alms but a friend."

At the age of thirty-nine, Pauline Agassiz Shaw, daughter of a Harvard professor and stepdaughter of the founder of Radcliffe, came to the North Bennet Street Industrial School, as it was then called, to start a kindergarten and nursery school for immigrant children. She soon became the school's most avid partisan, generating educational philosophies still integrated today. Initially, her hope was that the children would take home new knowledge and good habits that would be picked up by their parents (she read students the story of a child who, by bringing home a lily, symbol of moral reform, completely rehabilitates her slovenly mother and drunken father). Shaw soon realized poverty was less the result of the short-comings of the immigrants than it was the product of unemployment. "Not gifts but employment" became a new rallying cry. She developed a modified version of the apprenticeship principle, in which one master worked directly with a group of students on works in progress (the resulting products, such as pottery, prints, and clothing, were sold by the school, while the students were paid a small wage). Over the next one hundred years, programs were added and subtracted as called for: job placement, "caddy camp" (in which boys were trained as caddies at golf resorts), summer camp, credit unions, play schools. For many years Shaw's successors continued her tradition of straddling the line between running a social service agency and a vocational school.

No one will ever hear a commercial on late-night television for North Bennet Street. Unlike many trade schools that appeal to the lost soul in search of change, NBSS chooses its one hundred and sixty students because they have already demonstrated some commitment to their field. Other than that, they are only required to have a high school diploma or its equivalent (locksmithing students must, in addition, produce a clean police record). Sitting side by side in a studio might be a woman and a man, the first a nineteen-year-old with a GED who entered preservation carpentry after a summer job at Sturbridge Village, and the second a fifty-year-old former bank manager who decided to enroll after renovating the barn behind his house. Some students from third-world countries attend because their own countries have a market for the craft, but lack the educational facilities. The more a student can prove his experience, the better chance he has of being accepted. One of the application questions is "What tools do you have?" Fifty percent of the applicants are put on a waiting list each year, usually with the admission director's advice to gain more experience. With tuition up to \$7,500 a year, the school doesn't want to waste the time and money of someone who will never be more than a lobbyist.

North Bennet Street is not a design school. Teachers are not called professors, and classrooms are not studios. That's simply too highfalutin. Course work usually follows a demonstrate, then replicate tactic. A jewelry student makes a copper, brass, and silver floral basket, modeled, strangely enough, after the Cashmere Bouquet soap

symbol. In so doing, he employs sawing, engraving, dapping, and soldering. What the instructor, Joe Calnan, will look for is the student's ability to handle each step. Should the student design, choosing to transform a flower sprig into a feather, that may well please Calnan. If he reads up on the history of mixed-metal jewelry, that's fine, too. But neither is the instructor's primary concern.

Most of the programs spend time on field trips to museums; some, like preservation carpentry, take-on-site projects in the Greater Boston area. During classroom time, teachers wander from workbench to workbench, answering questions, making suggestions. Most of them are soft-spoken, not given to classroom theatrics. They were hired because they know the craft, not because they can deliver a great lecture (indeed, very little of that goes on). Vic Swanson, who runs the locksmithing program, learned his trade from his older brother, who learned it from his father. After thirty years as a Harvard University locksmith (they employ seven full time), he came to NBSS. Lance Patterson, head of the cabinetmaking and furniture-making program, graduated from the school in 1979, worked on his own, and then came back to teach. Half the faculty are graduates.

The classes are small—from ten to twelve—and though the setup of the studios is informal, the schedule is not: hours are eight until two or three, a long time to spend sharpening plane irons or varnishing a cello. Often students stay to work on projects until the building is locked. It's not unusual to find a piano tech student in one of the rooms set aside for tuning, slumped over a Steinway, sound asleep. "Tuning," says the piano instructor Dave Betts, "is pure drudgery to learn—monotonous, tedious, much harder than you think." The instructors have to push the students to make them thorough, fast, and diligent. If they aren't, they quit or flunk out. If they are, they graduate into satisfying work—and are often hired by an alum with his own company. That same sleepy student may one day make two hundred dollars a day tuning pianos—independent work that is not tedious once mastered. In addition, he'll restore valuable pianos.

When Roy Nielsen, the director of admissions, hears prospective students say in their interview, "I want to open my own little shop in the country," he gets a bit nervous. A true craftsman or tradesman, as he has learned, needs to be able to sustain his vision for a long time. A graduate of the violin-making school has made the requisite six violins, one cello, and one viola. But he does not go out into the world a master violin maker; he first takes a job repairing and restoring in a music shop. He'll need ten years more apprenticeship before he can even think of himself as a violin maker in the glorified sense of the term: ten years before he builds a violin that has an unblemished finish, near perfect pitch, and, finally, his own signature, the sign of a true artisan.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for transaction of morning business is now closed.

OMNIBUS CRIME BILL

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1970) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

The Senate resumed consideration of the bill.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10:30 a.m. having arrived, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1970, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

George J. Mitchell, Charles S. Robb, J.R. Biden, Brock Adams, Christopher Dodd, Wyche Fowler, Al Gore, Edward M. Kennedy, Richard H. Bryan, Patrick Leahy, David Boren, Daniel P. Moynihan, Frank R. Lautenberg, Daniel K. Inouye, Jay Rockefeller, Herb Kohl, and Alan Cranston.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent the quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on S. 1970, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Florida [Mr. GRAHAM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—57

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Bentsen	Glenn	Nunn
Biden	Gore	Packwood
Bingaman	Harkin	Pell
Boren	Hollings	Pryor
Bradley	Inouye	Riegle
Breaux	Jeffords	Robb
Bumpers	Johnston	Rockefeller
Burdick	Kassebaum	Rudman
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Sasser
Cranston	Kohl	Simon
D'Amato	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Thurmond
Dole	Metzenbaum	Warner
Exon	Mikulski	Wirth

NAYS—37

Baucus	Grassley	McClure
Bond	Hatch	McConnell
Boschwitz	Hatfield	Murkowski
Bryan	Heflin	Nickles
Burns	Heinz	Pressler
Coats	Helms	Reid
Cochran	Humphrey	Roth
Cohen	Kasten	Sanford
Danforth	Kennedy	Shelby
Domenici	Lott	Symms
Durenberger	Lugar	Wallop
Gorton	Mack	
Gramm	McCain	

NOT VOTING—6

Armstrong	Dodd	Graham
Chafee	Garn	Wilson

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Delaware.

Mr. BIDEN. Mr. President, everyone in the Chamber, everyone in the Senate, was on and has been on notice that we were going to bring up the President's crime bill for debate. We have been on notice of that for the better part of 8 months. The U.S. Senate, by unanimous-consent agreement and, if I recall correctly, at the urging of the Republican leadership and Democratic leadership in the Senate, agreed before we went out at Christmastime last year that we would bring up, this year, the second half of this Congress, a bill that contained the elements that the President badly wanted debated and resolved: The death penalty, habeas corpus reform, the exclusionary rule, and assault weapons.

Senator THURMOND introduced a piece of legislation way back in this year, maybe even the end of last year, S. 1971—a bill containing all of those provisions and, essentially, if not exactly, the provisions that the President wanted. I introduced S. 1970, containing those provisions and two others: Money laundering, changes in the money laundering law, and reorganization of the Justice Department.

We spent a great deal of time, Senator THURMOND and I, as all Members do in their areas of responsibility—I am not suggesting we did any more or less than anyone else—but we spent a

great deal of time on this issue. We brought the issues the President wanted debated to the floor. But something funny happened on the way to the floor. The assault weapons legislation, the much stringent assault weapons legislation contained in S. 1970—supported by, written by, and promoted by the distinguished Senator from Arizona [Mr. DeCONCINI]—was viewed at the end of last year and the beginning of this year by most of us on the floor as having little prospect of becoming law. But it passed. It did not become law, but it passed. And everything began to change then.

Up until the time that passed, Democrats and Republicans alike were saying JOE, Senator BIDEN, please, do not start adding drug legislation to this bill. Keep it clean. Keep it guns, habeas corpus death, exclusionary rule. Stick to that. And we did.

The majority leader indicated more than a week ago that—while the budget is in question, while the summit is going on, while there are major issues that need to be resolved before we leave—and that will not be in too many more months for this next election—he was not going to spend weeks and weeks and weeks. We had months and months and months notice that we had a chance to do something on the crime bill.

We spent last week and we debated the thorniest of the issues: guns, habeas corpus, and death—an extremely broad death penalty bill, increasing by 30 crimes for which people would now be eligible for death if convicted. I think this is—I may be mistaken, the Senator from South Carolina has been the leader on this for years—essentially the bill he has been fighting for, for over a decade.

The leader said before the first vote, we will take one more. And everyone, every newspaper, every Senator, every lobbyist in this town, knew that this was, to quote the headline from USA Today, “‘Do-or-Die’ Time for the Crime Bill.” And it just died. I think it is a shame. Because, although there would have been at least 40 additional amendments that were germane to death, exclusionary, et cetera—at least 40 of the 330-some that had been filed—fewer than 60 of our colleagues, the required number—

Mr. HATCH. Will the Senator yield on that point?

Mr. BIDEN. I will yield in just a moment.

Fewer than 60 decided that it is time to get down to business about doing something about the things that we all talk so much about.

Keep in mind, Mr. President, that the Senator from Delaware has a bill called S. 1972 which provides for 1,000 new FBI agents and DEA agents and rehabilitation money and education money, and so forth, for the drug problem. But we all know that is

there. We all know we are going to have to get to that eventually. But here we had the essence of what the President has been saying he wanted action on. It did not come out quite the way he wanted it on guns. It was very close to what he wanted on habeas corpus; almost exactly what he wanted on death. And we had not resolved the exclusionary rule yet.

Mr. HATCH. Will the Senator yield?
Mr. BIDEN. I yield for a question or—

Mr. HATCH. No; let me just make a point.

The Senator, it seems to me, is blaming this on the gun problem. Frankly, there were a number of people who were for the language in the bill on the gun problem, who voted as I understand it against cloture, as well as those who do not like the gun section.

The real reason cloture was not invoked was not because of the gun section. The real reason it was not was because there is a desire on the part of many Senators on the floor to do something that we have never been able fully to do before and that is, on a crime bill, bring up additional amendments that happen to apply to the criminal aspects of the bill.

I do not see why we have to give up the fight at this point. We have some decent provisions in this crime bill. Some people like the gun part, some do not. But that is kind of irrelevant.

I think we can narrow, with good faith, the total amendments, germane and nongermane, down to probably the same number that would have been available as germane amendments after cloture.

The real issue is not the gun issue. The issue is allowing Senators a chance, on the only crime bill they have had in years, to bring up important anticrime amendments that may not be germane because of the narrowness of the bill as it is drafted; that may be absolutely crucial to resolve criminal problems.

Mr. BIDEN. I will be delighted to yield for the Senator to speak. Is that a question? Because I will be happy to respond to the question. Otherwise, I would like to keep the floor.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. HATCH. Let me put it in the form of a question.

Mr. BIDEN. I think I understand it. I will be happy to yield the floor in a moment. It is purely coincidental.

I have not had an opportunity to tally at this time. It happened only moments ago. But of the 37 people who voted against cloture last time, 32 also voted against the DeConcini amendment. I do not draw any firm conclusion from that.

Mr. McCLURE. Will the Senator yield?

Mr. BIDEN. I will not yield at this moment. I will be happy to yield in a moment.

Maybe guns did not kill the death penalty. Who knows? I do not know. It is just kind of coincidental, though, that the NRA says they want to kill this bill because it contains guns. Coincidental. I suspect that 32 out of 37—at least last time; I have not tallied it this time—who voted against the gun provisions voted against cloture as well. And I respect that. I understand that. As a matter of conscience, there are a few Democrats, and I suspect one or two Republicans, who voted against this because of the death provisions in the bill. A much smaller number, but, nonetheless, it is a matter of conscience. I respect it. I understand it.

Let me speak to one other thing: This notion that if we just got a chance to entertain amendments relating to crime; we have not had a chance to do that, the statement was made.

I do not know where everyone else has been, but I have managed a crime bill and a drug bill every year I can think of for God knows how many years that have had amendment after amendment after amendment that range everywhere from death penalties to providing for aftercare and everything in between—providing for moneys to reorganize the Justice Department, change the forfeiture law, increase access for the police to certain information, increase money for the police, decrease money.

My Lord, I have not tallied it, but I suspect if we go back and look at the last 4 years and just count the bills I have managed on crime, at the end of every session we probably have had hundreds of amendments, hundreds of opportunities I keep saying to everybody we are going to have that same opportunity relative to drug legislation before the year is over, in all probability.

This was the President's crime bill. He defined the crime bill as habeas corpus, death and exclusionary rule, and guns: his definition, not mine. Everyone knows, before this year is over, BIDEN is going to get a chance to add his amendment for an additional 1,000 FBI agents; WIRTH is going to be able to add his amendment to provide more resources to crack down on S&L fraud; my colleagues on this side are going to get a chance to introduce their amendments to change the gun legislation, what was not germane. They are going to get an opportunity to put in money for and against rehabilitation. We all know that.

So it just seems to me we all knew that we were going to have a chance to have those tens, if not hundreds, of amendments considered in some form before we get out of here, and we all knew that this bill was localized to four incredibly controversial issues. I have been here 18 years. The distin-

guished senior Member from South Carolina, who is the ranking member of this committee, has been here much longer than I have. I cannot think of a time in the 18 years I have been here where we have taken these four incredibly controversial issues, agreed that we were going to deal with them and bring them to resolution in one piece of legislation, giving them a legitimate opportunity of being changed rather than what we have done the last 18 years: reform on habeas corpus gets attached to the debt limit; a reform on habeas corpus gets hooked onto the child welfare bill; or death penalty gets hooked onto the budget resolution; and they all end up getting stripped. We keep passing the death penalty but never as a death penalty bill. It keeps getting stripped when we go to conference.

Here we were, one bill, with the four most controversial issues in the criminal justice system, three of which were already resolved by this body with potential minor modifications, and we decided not to bring it to resolution.

I understand the argument. My colleagues say, "Gee, I would have been for cloture if I could have had my police corps bill on here," or "I would have been for cloture if I could have added more FBI agents," or "I would have been for cloture—." There are 330 such requests. Mr. President, do my colleagues know how we have been able to get all these large number of amendments on previous crime and drug bills finished? We stand on the floor, we come right up to the wire, we spend a week on it, and then the leadership says to whomever is managing the bill—and the last several times it has been me on this side, and others with keen interest like Senator NUNN and Senator GRAHAM and others—and the leadership says: "OK, can't you guys all go into a room and can't you go in and spend the next day, week, 2 weeks, and come out with a compromise?" That is how we have ended up doing it. Even in that circumstance, the Senate has not had the time to consider 330 amendments.

Mr. President, we have worked very hard on a very tough bill, broadening the death penalty beyond anything that has ever been passed by a vote of the U.S. Senate, broadening and changing the habeas corpus rule beyond anything that has ever been changed, and passing restrictions on semiautomatic assault weapons beyond anything that has ever been done, and we were ready to move to the exclusionary rule to resolve that.

And now it is down. Everybody knew. No one can say, "I did not know the vote was coming up; I did not have notice." No one can say, "I did not know what the outcome would be," because we announced ahead of time this thing was being brought down.

Senator THURMOND and I will try again in one form or another. It is kind of sad that we got this far and could not get cloture, fell three votes short of cloture.

I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I do not know why the bill is down. We have only had two cloture votes. We have two absentees out of four that I know would vote for cloture. The Democrats have two. Cloture is there. We are going to get cloture on the next try, if we want a crime bill. If we do not want a crime bill, then we do not have another cloture vote.

I must say, as I indicated last night, when you are in the minority around here, you have to take very opportunity you have to offer an amendment.

We do not set the agenda. We have had sort of a gag rule imposed on this bill. You could take up the exclusionary rule right now. Why not. You did not get cloture. The bill is still before us. Why not take up the exclusionary rule? Why not take up some of the amendments? I have looked at some of the amendments. I am going to put them in the RECORD.

These are all amendments that are going to deal with crime. When are you going to take up these amendments? Some other time. Oh, just put it off. We have been waiting for a year to get to this bill. We spent less time on this than we spent on the Hatch Act.

This is an important piece of legislation, much more important than the Hatch Act, on which we spent a portion of 7 days.

So cloture is in the bag, if you want a crime bill. In the meantime, why not let smoke of the Republicans and some of the Democrats offer amendments? Why not just have a debate and offer amendments? No, we want to invoke cloture so that certain amendments cannot be offered. The 60 that are germane, in most cases, are repetitive. There are probably not 10 or 15 amendments. And some, including some of mine, would modify the DeConcini amendment.

I voted against the DeConcini amendment; for cloture. I believe the Senator from South Carolina has pointed out we have a couple of important provisions here that ought to be preserved. But in the meantime, if we want a crime bill, the majority can have one; at least they can get cloture. I do not know whether it will pass the House or not.

As I count, you have 57 now with 6 absentees, and there are at least 3, maybe 4 votes, and maybe 1 or 2 more, that would vote for cloture the next time around. So it is up to the leadership whether or not they want a crime

bill. If they do not want a crime bill, we do not have another cloture vote.

But in the meantime, why not let the minority, Republicans in this instance, offer amendments? Why should we be denied an opportunity to offer amendments? We have people who would vote for cloture, I would say to the Senator from Delaware, if they could offer their amendments.

I think there are one or two on that side who would vote for cloture if they could offer amendments. Instead, we say we cannot do this. We are going to have cloture vote after cloture vote. After we take care of habeas corpus and tidy up the death penalty a little bit. That is all we are going to have on this bill.

In my view, that is not the way it should work. So I am going to ask to put in the RECORD the Republican and the Democratic amendments so people can take a look at them. I do not see any off-the-wall amendments. And those that are off the wall would not be adopted, in any event. They are all aimed at crime. That is what we talk about, crime.

So I urge my colleagues on the other side to try it again. This is a very important piece of legislation. I have asked the clerk to add up the number of hours we have spent on this bill as opposed to the Hatch Act. We are going to be surprised. We spent a lot more time on the Hatch Act; probably a lot of other meaningless legislation. This is important legislation. This is what the American people want us to do.

I would not give up after two tries. It seems to me that if the majority party wants a crime bill, it is within their grasp. If they do not want one, they can pull the bill down.

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

REPUBLICAN AMENDMENTS TO S. 1970

Bond. Limits Federal mandates to State criminal justice systems unless funds are provided.

Bond. Requires Federal government to issue regulations for child safety seats on airliners.

Boschwitz (2). Declares a national drug and crime emergency, and establishes a 5-year mandatory minimum term for prison sentences.

Boschwitz. Re: food stamp trafficking.

Boschwitz. Re: food stamp criminal prosecution.

Boschwitz. Authorizes rewards for drug convictions.

Boschwitz. Authorizes rewards for information on drug dealers.

Boschwitz. Establishes minimum mandatory prison sentences for drug traffickers and violent criminals.

Boschwitz. Establishes mandatory work requirements for Federal prisoners.

Boschwitz (2). Mandatory fines, court cost payments, forfeiture, etc., for drug convictions.

Boschwitz. Drug testing upon post-conviction release.

Boschwitz. Increases penalties for kidnapping.

Boschwitz. Increases penalties for child kidnapping.

Boschwitz (2). Allocates grants to States with programs to revoke drivers' and pilots' licenses for drug convictions.

Boschwitz. Re: drug use in federal prisons.

Boschwitz. Establishes mandatory minimum fines and penalties for drug offenses.

Boschwitz. Establishes mandatory work for prisoners, and expands labor opportunities.

Boschwitz. Mandates minimum sentences for certain offenses involving victims younger than 18 years old.

Burns. Rewards for information leading to drug traffickers arrest.

Coats. Re: drug paraphernalia.

Coats. Treatment of juveniles in drug operations and under Armed Career Criminal Act.

Coats. Authorizes \$20 million for state-run boot camps.

D'Amato. Establishes option for taxpayers to dedicate overpayments to war on drugs.

D'Amato. Armed forces assistance to civilian law enforcement agencies.

D'Amato. Transit employees drug testing.

D'Amato. Money-laundering.

D'Amato. Mandates Secretary of State to work with the World Federation of Therapeutic Communities to train drug treatment professionals.

D'Amato. Death penalty for drug kingpins; death penalty for drug felons when death results.

Danforth. Establishes grants for States to use videotapes during drunk driving arrests.

Dole. Guns: strike p. 46, line 15—p. 49, line 22, from bill.

Dole. Guns: strike p. 46, line 15—p. 49, line 17, from bill.

Dole. Guns: strike p. 46, line 15—p. 49, line 10, from bill.

Domenici. Study to establish a federal law enforcement technology center at an existing National Laboratory.

Domenici. Authorizes States to use federal funds from the Drug-Free Schools and Communities Act to develop model alternative schools for youth with drug abuse problems.

Domenici. Requires U.S. Marshals to identify communities that would benefit from private detention centers for federal prisoners.

Gorton. Regulation of precursor chemicals.

Gramm. Longer prison sentences for selling drugs to a minor.

Gramm. Mandatory minimum sentence for those who sell drugs to a minor.

Gramm. Enhanced sentences for drug traffickers.

Gramm. Death penalty for drug traffickers who employ a firearm and cause death.

Gramm. Deportation of aliens convicted of a violent crime; minimum mandatory sentences upon re-entry.

Grassley. Nominee conflict of interest standards.

Grassley. Victim impact statements in death penalty cases.

Hatch. (3). Insert firearms amendments.

Hatch. (3). Enhance firearms penalties.

Hatch. Authorization of a drug tip hotline.

Hatch. Adjustment of alien status for witnesses in drug cases.

Hatch. Trade treatment for certain drug-producing countries.

Hatch. Re: juror unanimity in death sentences.

Hatch. Prohibition of interstate transportation of firearms for drug activities.

Hatch. Unspecified.

Hatch. Authorization of aid for narcotics teams in high-intensity drug trafficking areas.

Hatch. Authorization of \$60 million in grants for drug enforcement efforts.

Hatch. Authorization of funds for precursor chemical programs in foreign countries.

Hatfield. Change bill's death penalty provisions to life imprisonment without parole.

Hatfield. Public executions as the ultimate deterrent.

Heinz. EPIC claims against FDIC.

Heinz. Breach of Fiduciary duty statute, 12 U.S.C. 1821.

Heinz. Expedited procedures for claims against FDIC.

Heinz. Adding certain financial crimes to list of RICO offenses.

Heinz. Sense of the Senate to bring to justice the murderers of DEA agent Enrique Camarena.

Heinz. Sense of the Senate to prohibit the return to Mexico of the killers of DEA agent Enrique Camarena.

Heinz. Prohibits foreign aid/assistance to countries with senior officials involved in drug trafficking.

Humphrey. Re: violent students in schools.

Kasten. Illegal drug profits.

Lott. Withholding of prisoner benefits to cover cost of incarceration.

Lott. Decreases from 90 to 60 days the time to form Advisory Groups.

Lott. Mandatory work requirement for all prisoners.

Lott. International money laundering advisory group.

McClure. Prohibition of cultivation of controlled substances.

McClure. Commemorative medals for the centennial of Yosemite National Park.

McConnell. Requires local, State and Federal law enforcement agencies to report missing children to the National Crime Information Center of the DOJ.

McConnell. Permits sexual assault victims to bring civil action against pornographers.

McConnell. Federal law enforcement officers' Bill of Rights.

McConnell. Authorizes sanctions against foreign companies that do not cooperate with precursor chemical control efforts.

Nickles. Re: crime victims rights.

Nickles. Life imprisonment for rapists with AIDS.

Simpson (2). Definition of assault weapons as converted from semiautomatic to automatic.

Simpson (2). Definition of assault weapons.

Specter. Authorizes \$10 billion for the next 10 years for a National Violent Crime Program.

Specter. Requires colleges to disclose on-campus crime statistics.

Specter. Drug court: authorizes grants to States to establish judicial narcotics divisions.

Specter. Authorizes grants program for State prisoners (permits current grant programs under 42 U.S.C. 38(?)51).

Specter. States must report training and education programs for prisoners in order to receive Federal funding.

Specter. Re: federal police corps programs.

Specter (2). In order to receive Federal aid, States must provide prisoners with job skills and basic literacy education.

Specter. Police corps and law enforcement training and education.

Specter. Narcotics court demonstration project.

Specter. Criminal liability for pollution.

Specter. Clarification of Armed Career Criminal Act.

Specter. Death penalty for two-time convicted drug kingpins, or mandatory life sentence.

Specter (2). Writ of coram nobis by death row prisoners.

Specter. Sentencing Commission may provide for fines to cover costs of a prisoner's incarceration.

Specter. Cause of action in Federal court for damages resulting from torture or extrajudicial killing.

Specter. Establish a drug court division.

Specter. Establish demonstration court for narcotics offenders in Philadelphia.

Thurmond. Enhanced penalties for certain firearms violations.

Thurmond. Substitute to S. 1970.

Thurmond. Federal debt collection.

Thurmond. Germane substitute to S. 1970.

Thurmond. Re: undercover sting operations.

Thurmond. Drug testing upon post-conviction release.

Thurmond. Bankruptcy discharge prohibition for certain offenses.

Thurmond. Recognition of 82nd Airborne.

Thurmond. Strike exclusionary rule title from the bill.

Thurmond. Strike Organized Crime and Dangerous Drug Division title from bill.

Thurmond. Expansion of "good faith" exception to exclusionary rule.

Thurmond. Increases federal penalty for drunk driving if a child is present if the vehicle.

Wallop. Life imprisonment for three-time violent crime offenders.

Wilson. Judges not juries are to set sentences, with the exception for capital cases.

Wilson. Death penalty for civil rights violations.

DEMOCRATIC AMENDMENTS TO S. 1970

Adams (2). Abortion.

Akaka. Established methamphetamine education and prevention program.

Akaka. Enhances criminal penalties for methamphetamine use and distribution.

Akaka. National Institute on Drug Abuse shall research drug treatment for methamphetamine.

Akaka (2). Combination of the previous three.

Baucus. Establishes waiting period for the purchase of ephedrine.

Biden. Increases assistance grants for State and local law enforcement.

Biden. Authorizes \$100 million for the establishment of a National Drug Intelligence Center.

Biden. State and local law enforcement assistance, firearms, rural drug enforcement, all drawn from S. 1972.

Biden. Interdiction amendment: military support, criminal aliens, drug intelligence.

Biden. Counter-narcotics technology assessment center.

Biden. Adds anabolic steroids to list of controlled substances.

Biden. Drunk driving bill.

Biden. Establishes a DOJ rural drug enforcement grant program.

Biden. Child victims bill; establishes child victims bill of rights, programs, etc.

Biden. Strikes money and reference to DOJ Organized Crime and Dangerous Drugs, but leaves \$1.36 billion authorization.

Biden. Strikes strike force provisions and leaves DOJ authorization language.

Biden. Strikes remainder of strike force language (international prosecution teams).

Biden. Increases authorization for strike forces (Title VI) from \$45 million to \$1.37 billion.

Biden. Strikes references to "Dangerous Drugs Division" so that previous amendment applies to all of DOJ.

Biden. Sense of the Senate that \$1.36 billion be spent in certain ways.

Biden. Increases authorizations for federal law enforcement and judicial assistance.

Biden. Civil enforcement: provides for eviction from places maintained for manufacturing, securing, etc., drugs.

Biden. Drug treatment, education, and prevention.

Biden. Forfeiture amendment: uses of DOJ forfeiture fund, foreign instrumentalities.

Biden. Drug emergency grant program.

Biden. Death penalty, exclusionary rule, money laundering, assault weapons.

Biden. Authorizes \$100 million per year for DOJ anti-drug/anti-gang program.

Cranston. Blocking access to abortion clinics.

DeConcini. (6). Assault weapons provisions.

DeConcini. Firearms: technical amendment.

DeConcini. Strikes one provision in assault weapons title dealing with retention of copies of registration forms.

DeConcini. Increases pay and benefits for federal law enforcement officers.

DeConcini. Limits amount the DOJ can withhold for administrative expenses incurred in adoptive forfeiture cases.

DeConcini. Amends Customs Forfeiture Act to provide payment for overtime salaries, training and equipment of State and local law enforcement in assisting U.S. Customs Service.

Dodd. Expands services for treatment of parents and children who are drug abusers.

Graham. Law enforcement scholarships for current officers.

Graham. Study of racial and ethnic bias in criminal justice system.

Graham. Establishes DOJ Financial Services Crime Division.

Graham. Federal prison construction standards.

Graham. Deportation of convicted aliens who seek re-entry into the U.S.

Graham. Deportation of aliens who commit aggravated felonies.

Heflin. Equitable allocation of grant money under Crime Control and Safe Streets Acts.

Inouye. Indian exemption from the death penalty.

Kennedy. Money laundering.

Kennedy. Grants courts authority to impose sentences below mandatory minimum.

Kennedy. Clarifies definitions of "mixture or substance" under Controlled Substances Act.

Kennedy. Drug treatment, education and prevention package.

Kerry. Sense of Congress that treatment of demand is a goal of national drug strategy.

Kerry. Authorizes \$1.2 billion for drug enforcement grants.

Kerry. Makes high intensity drug trafficking areas enterprise zones under the Housing Act.

Kerry. Mandates that seized assets of criminals shall first be used for their defense.

Kohl. Antitrust exemption to television networks for drug prevention campaigns.

Kohl. Prohibits the discharge of a firearm in a school zone.

Kohl. Drug abuse education, treatment, and prevention.

Kohl. Drug prevention and treatment for women in prison.

Kohl. Antitrust exemption to T.V. networks for drug prevention campaigns.

Lautenberg. Suspension of drivers' licenses for drug convictions.

Levin. Expands "school-yard" provision of Controlled Substances Act to include private playgrounds.

Lieberman. Grants authority to the Secret Service to investigate the S & L crisis.

Metzenbaum. OSHA: enhanced penalties.

Mikulski. Amends title 5, U.S.C., to expand list of federal law enforcement officers that receive retirement benefits to include certain IRS and Customs Service personnel.

Pryor. Prohibits disclosure of wiretaps contents.

Pryor. Rural drug enforcement—Drug Czar shall appoint a rural drug director (authorizes \$20 million for grants).

Reid. Child victims' bill of rights.

Reid. Instructing DoD to give priority to prisons in transforming certain properties.

Shelby. Federal prison contracts give priority to State and local governments demonstrating ability to build facilities and care for prisoners.

Simon. Mandatory detention and drug testing.

Simon. Television violence—antitrust exemption.

Wirth. Establishes new division at DOJ for financial services prosecutions.

Wirth. Directs the Resolution Trust Corporation to transfer funds to DOJ to investigate S & L scandal.

Wirth. Policy to counter youth gang involvement in drugs.

Mr. MITCHELL. Mr. President, if there is one thing that is clear, Democrats want a crime bill. We did not just talk about wanting a crime bill. We voted for a crime bill, just this morning; 57 votes were cast for cloture. That would have guaranteed passage of a crime bill. Forty-six of those votes were Democrats; 11 were Republicans. Thirty-seven votes were cast against cloture. Failure of cloture meant no crime bill. Of those 37, 7 were Democrats, 30 were Republicans. So we can talk about wanting a crime bill, as we do often here, or we can vote for a crime bill or against a crime bill, as we just did.

So let there be no mistake or no misunderstanding as to where the cause lies for no crime bill.

Thirty Republicans voted against a crime bill, 11 voted for it. Forty-six Democrats voted for a crime bill, seven voted against it.

We are told that cloture is in the bag. That is what I was told yesterday. That is what I was told this morning. And as we have just seen, cloture was not in the bag, and cloture is not in the bag.

There are six Senators who were absent this morning. Of the six who were absent, three voted on the previous cloture vote, and they all voted against cloture. Three were not

present for the previous cloture vote, and we do not know how they would vote. Between the first and second vote, some Senators who voted no the first time voted yes the second time. Some Senators who voted yes the first time voted no the second time.

Cloture is not in the bag. There is no more assurance at this moment that we would get cloture on a third, fourth, fifth, sixth, seventh, or eighth cloture vote than there was between the first and second cloture vote.

Every Senator knew and understood that this vote was it. It was stated publicly. It was repeated publicly. It was stated over and over again. And 37 Senators voted against cloture. What is there to lead anyone to believe that if we say the next vote is it, anything is going to change? How many times do we have to say this vote is it before we can accept the result as final?

Now, I want to emphasize that cloture was filed reluctantly, after consultation with the Republican leader and the managers of the bill, because we faced the situation where there were nearly 300 amendments that were intended to be filed. I emphasize those were first-degree amendments. Each of them could have been subject to an unlimited number of second-degree amendments.

It was very clear that we either would get cloture and get a bill, or we would simply be here for an indefinite and indeterminate period of time with no possibility of ever getting a bill. The only way we could possibly have gotten action on this bill, the only way, I emphasize, is if cloture had been invoked. There is simply no other prospect.

Certainly, we could stand here today and debate other amendments. We could do it tomorrow and next week and next month. We could do it without limit. There is no question about the fact that if the Senate wanted to spend months and months debating endlessly hundreds and hundreds of amendments, it could do so. But, of course, that would mean two things. We would never get a bill here passed. We all know that. Second, we would do nothing else.

On the question of taking up other amendments, some have said, well, if my amendment were adopted, I would vote for cloture. True. But the possibility existed, indeed the almost certainty existed, that for every amendment that would be adopted, someone would be against cloture. And so we could go on an endless game of pick-up sticks, gaining one vote here and losing two here, gaining two votes here and losing three there, and spending more and more weeks.

I do not know how it could possibly have been made more clear than this vote was it, and those who wanted a crime bill should vote for cloture. And if you did not want a crime bill, the

way to defeat the crime bill and to make certain that we did not get a crime bill was to vote against cloture. But now the Senate has spoken.

Even though 57 Senators voted for cloture and only 37 against, the motion is not agreed to. That may mystify the American people, who think we ought to operate by majority rule, but everyone here understands the rule; we must get 60 votes. Everyone understood that before the vote. Everybody should understand it after the vote.

I want to say that I commend and feel for the managers of the bill, both the present chairman of the Judiciary Committee, Senator BIDEN, and the former chairman of the Judiciary Committee, Senator THURMOND, who has devoted so much time and energy to this bill. I do not agree with either of them on every provision of the bill. I think they have done a tremendous job in getting this bill together and bringing it to this point. I know both of them supported and voted for cloture, and worked hard to get cloture along with the distinguished Republican leader and myself. But, unfortunately, it just was not to be.

I do not criticize anyone who voted against cloture. Each has his own reason. The Senator from Delaware is here.

I respect the fact that some have supported this because they wanted to offer amendments. That is certainly a valid reason if one chooses to assign that reason to one's actions. But, as we all know, the situation we faced last week was several hundred amendments pending, first-degree amendments, with an unlimited number of second-degree amendments and the possibility of, indeed, almost certainty of, a virtual endless debate, hundreds of amendments being offered, and almost certainty that there would not be a bill passed.

So I have the greatest respect for the distinguished Republican leader, my friend, but I must say I simply do not accept the argument that cloture is in the bag. That is what I was told yesterday and this morning. It obviously was not. I do not think there is any prospect that it would be on a third or fourth or fifth vote.

Of course, Mr. President, I will yield the floor. The distinguished Republican leader will respond if he wishes to do so.

Mr. DOLE. Mr. President, I am just advised by the Senator from Utah that he thinks we could shrink the number of amendments on each side. Again, I want to point out that on the Hatch Act, which, in my view, simply is a political effort by the other side, we spent 44 hours and 38 minutes. On the crime bill, which is important to the American people, Republican and Democrat, we spent 30 hours and 50 minutes so far.

So there is, it seems to me, plenty of time. And I can also say that two votes I am counting on the next time on this side. Senators WILSON and CHAFEE, voted for the DeConcini amendment. They are not here today. That would be up to 59, I think, and there are one or two other possibilities.

So I do not want to leave the impression that because the DeConcini amendment was adopted somehow nobody on this side will vote for cloture. The truth is we do not get to offer our amendments. That is why some will not vote for cloture.

A number of my colleagues have advanced the fact that, if there were a free and open debate, we could offer our amendments and have a vote. You would have more votes, or maybe not, on this side. Maybe it is in the other side's interest not to have votes.

I believe Senator HATCH, the Senator from Utah, had a good suggestion. If the majority leader is willing, we would try before we give up on this bill to see if we could not shrink the number of amendments and have some agreement between the managers, the Senator from South Carolina and the Senator from Delaware. We could have 25 amendments on a side, or something of that kind, or 10 amendments or 15 amendments, and proceed on that basis.

But I do not want to leave the impression, as the majority leader made a statement—he did not make a point, he made a statement—about we did not vote for cloture. Well, as I have said from the start, if we could offer our amendments, we would have many more votes for cloture. But, notwithstanding, the Republicans will furnish enough votes for cloture, in my view, on the next vote if they could produce one more vote on that side.

So it seems to me it is within the grasp, and I know the managers spent a lot of time on this bill. Senator THURMOND spent a lot of time—spent a lot of time on the habeas corpus provision, and he prevailed in a close vote. There was a close vote. There was a lot of time spent on the changes in the death penalty by both sides. I think we have a fair provision, and a fairly good consensus on it.

So I just urge the majority leader, obviously it is up to him, on whether or not to proceed. It has not been an unwillingness to cooperate on this side. We just cannot offer amendments. We just go from one cloture vote to the next. But even having said that, my view is that one more cloture vote would make a difference.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I just wanted to make one point for clarification. I respect everything the

Republican leader said. No one should be under the impression that a Senator cannot offer amendments if cloture is invoked. In fact, 330 amendments were filed under cloture. The only ones that can be taken up are amendments that are germane. The only right a Senator loses when cloture is invoked is the right to offer nongermane amendments, that is, amendments that are not germane to this bill.

So no one should be under the impression, the mistaken impression, that if cloture had been invoked Senators could not file amendments. They had already filed 330 amendments. I do not know how many were germane. Certainly, a large number of them were.

So every Senator had an ample opportunity under the rules, many availed themselves of that opportunity, to file amendments to the bill prior to the time of the cloture vote, and any such amendment which is germane, that is, relates to the subject matter of this bill, would have been in order to be considered.

Mr. HATCH. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I will yield the floor.

Mr. HATCH. If I could just ask a question, is it not true that you are limited to 30 hours of debate and that almost anybody can file, call up, amendments post cloture?

Mr. MITCHELL. Yes.

Mr. HATCH. That is the problem. If I could just make this point: This bill is important. I think the reason cloture was not voted today was for a variety of reasons. Some people did not want to grant it because they have not had a chance to bring up both germane and nongermane amendments, all of which relate to criminal activity and crime bills. Some voted against cloture because they did not like the gun bill. I think that was a minority. Some on the other side voted against cloture because they did not like the capital punishment part of it.

Mr. MITCHELL. On both sides.

Mr. HATCH. Yes, on both sides. The fact is I think we have a solution. We do not have to go to cloture to narrow the amendments. I agree with the majority leader. When you see almost 300 amendments, that is very disconcerting and upsetting in this timeframe. On the other hand, this bill is every bit as important as any bill that we have brought this year, a number of which are extremely important. We spent a lot more time on them. We faced this on the clean air bill with literally hundreds of amendments. We narrowed them down gradually because of the force of the Senate rules and the force of the majority leader, and with the help of the minority leader.

What I am saying is why give up at this point? Why even vote for cloture? Why do not we both work to cut down the number of amendments that in good faith can be brought up here on the floor on both sides and make them equal? We will agree to time agreements. We will agree to 20 minutes equally divided on any amendment, if you would like, or, if we see one that needs particularly more time, we can make an adjustment, and we can get this matter over with in a matter of a few days. We will then have what will really be an important bill.

One other point: The distinguished chairman of the committee, for whom I have a lot of regard and affection, made the point that this is the President's crime bill. This is not the President's crime bill. The President asked us to address these issues. But he did not agree with every issue in this crime bill. He would like to see us try to amend some of those issues. We cannot do that all postcloture in the way I think the President would like it done. I think that is a fair offer. I think it does not take nearly the time. Even at this it will not take the time of a number of other bills that may be as important, not in my eyes, but certainly no more important.

I think we could get this matter resolved. If we cannot narrow it down to the number of amendments to what there would have been post cloture, then I agree, the majority leader ought to pull this down. On our side—and that is the side that is apparently indicated as voting against cloture—if we cannot on our side, I do not blame the majority leader if he pulls it down.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, let me set a few things straight. One is we tried to do exactly what the Senator from Utah suggested when had one-third the number of amendments. We sat down, the Senator and I and the leadership staff on both sides, and said, "OK, let's see if we can narrow down these amendments." Every time we sat down, and we can put out some hot lines, every time we sat down to narrow down, it increased every single time. It did not narrow; it multiplied. It did not narrow.

Furthermore, with regard to this notion of if we only would give this some time, time seems to be the problem in this body. Every single time we said, all right, let us have some amendments relative to the President's bill or the issues the President wanted to debate, all of which are in this bill. Every one of them that he wants, from the President's perspective, are germane amendments.

Every one of them are germane. Everything that the President would want to do to change S. 1970, the legis-

lation that is sitting before us, the death penalty bill I introduced, every one is germane to change it to the way the President wanted it.

Further, regarding this notion that the other side had not had a chance to offer the amendments, the amendments offered were all offered by the other side by and large, the vast majority of them, for the purpose of making S. 1970, the death penalty bill I introduced, the President's bill. Some of them succeeded; some of them failed. There was no gag rule, and we all knew from the beginning; let us have no mistake about this.

If we ever let this core bill get beyond the core bill, we would be here forever. Every single time—we had this discussion after the last cloture vote and we said, all right, let us see what we can narrow, and what have we narrowed? From 196 amendments to 330 amendments or something.

If the Senator from Utah is able to, and I would be delighted to talk to him about it later, maybe we can come back at this again. If he is able to narrow to 20 or 30 amendments on his side, fine, I will be part of that negotiation. I have no dog in that fight. Let him go to his side and say, all right, here is the totality of the amendments that we will introduce, that is it, and we are ready to agree to a unanimous-consent agreement, narrowed down to x number of amendments.

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. I have the floor, and I would like to comment in response.

Several Senators suggested to me precisely what the Senator from Utah suggested publicly, that we have a narrowed-down list of amendments on both sides. In each instance I have said to the Senator, will the Senator accept a narrowed-down list that does not include his amendment? And in each instance the Senator has said no.

In other words, the Senator is saying, I insist that my amendment be included in there, and let us exclude someone else's. With 330 amendments, Mr. President, it is obvious, there cannot be a crime bill unless cloture is invoked. That was obvious before this vote, and it is obvious now. The fact is that if we attempt to do it in any other way, it is not going to work.

Mr. McCLURE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. McCLURE. I thank the Senator. I am very sympathetic to the problems the leadership has in scheduling legislation. I hope the Senators know that I have cooperated in every way I possibly can to help the leadership expedite the business of this Senate. I am afraid for many of us this conversation has been a kind of a closed circle. We have been outside of it, not in it, no matter how we have tried.

Many of us who voted against cloture, and I did, have never been permitted to be a part of this yet in the offering of amendments or even in the debate. I have been sitting here since the cloture vote trying to get recognition.

I can say at least one thing in response to the Senator from Delaware. I am against the DeConcini amendment. I am against the provision with respect to guns in this bill. That is not the reason I voted against cloture. This bill has been on the floor subject to amendment on 3 days that is all, 3 days. For many of us, believing that crime is a more important issue than that which would be devoted to 3 days of the Senate's time on amendments, we would like to have the opportunity to at least see some of these issues amended, amendments offered and debated.

The bill was on the floor on Monday, May 21 for debate only, no motions, no amendments. It was subject to debate and amendment on May 22, 23, and 24. No other time, none, has it been possible to offer an amendment or debate an amendment on the floor of this Senate on this bill. That is the reason that I and a number of others—I will not speak for anybody except myself—voted against cloture, because it is a more important issue than that.

With due respect to my friend from Delaware, it has nothing to do with the fact that I do not like the gun legislation on this bill. There are other issues. I am willing to accept the majority verdict on even those issues, even the gun legislation. But I do believe, with all the due respect to the difficulties of trying to make this place work, that 3 days of opportunity for amendment on this legislation is simply an inadequate attention by the Senate of the United States to a matter of overriding concern to the people of this country.

Mr. MITCHELL. I just want to say one thing to the Senator. I cannot count the number of times I have stood here and asked Senators to bring amendments to the floor. Senators say they have amendments and did not want to offer them. If there were 3 days, would the Senator come over and debate?

Mr. McCLURE. There was never, in those 3 days, a time when quorum calls delayed the Senate. Amendments were offered and debated fully during the 3 days.

Mr. HATCH. If the Senator would yield on that point, I think it has to be clarified, because the distinguished chairman said we met to narrow the amendments. We did not. We met to see how many there were. We never met to narrow them. I have to say that we were told throughout the process that if we got into a full-fledged amendment situation, that the majority leader said the tree was going to be

full, whether that was right or wrong. If the tree was full, that means there could not be any amendments. That has gotten people on our side very upset. I agree with the Senator from Idaho.

That is literally the real concern over here; it is not the gun part of it. I think most people here realize that is what it was. There is a desire to see at least one more vote on it.

Mr. MITCHELL. If cloture had been invoked, I want to make clear, there could have been votes; there could have been an unlimited number of votes on the gun provision.

Mr. HATCH. Being limited to 30 hours has lots of limitations. We would have been limited to purely germane amendments, even though some of the nongermane amendments are very important anticrime amendments, and the amendments of the people on this side, as well as many on the other side, would be foreclosed.

The point I am making is that we have never really tried to narrow the amendments. We are now in a procedural posture where there is nothing else that this side can do on amendments, if they want to continue. We were told we could not bring up our amendments or the tree would be filled up. Whether that is true or not, that is what we were told.

All I am suggesting to the majority leader is this: I think that if he would continue, and if we really want to take a real crack at getting a crime bill out of the Senate, I believe that we can get on our side, in good faith, the amendments narrowed down to what would have been postcloture if cloture had been invoked. If we cannot, then I would not blame the majority leader in pulling this down, although under the circumstances, there still are legitimate gripes on this side. I would not blame the Senator, and I would not find any fault at all. I think this bill is that important. Whether it pleases me or not on all provisions, it is that important that with the limited time that has been given, we should not pull it down. If nothing else, we ought to go to at least one more cloture vote.

Mr. MITCHELL. Mr. President, I simply state that there was an opportunity to get the bill passed. We just had it this morning. All someone had to do was vote for cloture, and we would have had a crime bill. I think there is a certain irony in those who voted against cloture now saying we want a crime bill. That was the opportunity. That was the vote; that was not talk. That was a vote.

That was action. That is what we should have done. That is what I wanted to do. That is what the distinguished former chairman of the committee wanted to do, what the chairman wanted to do, and the Republican leader wanted to do.

Mr. McCLURE. Will the Senator yield on that point?

Mr. MITCHELL. Let me give the Senator from Illinois, who has been here several minutes, an opportunity.

The PRESIDING OFFICER. Does the majority yield for a question or yield the floor?

Mr. MITCHELL. I yield for a question.

Mr. DIXON. Mr. President, I asked the majority leader whether it is not a fact that the objections of those on the minority side cut both ways. This Senator stood up in our conference this Tuesday and suggested he had an amendment he very much wanted to offer along with his colleagues, the Senator from Florida and the Senator from Colorado, concerning the savings and loan scandal and setting up a financial strike force in the Department of Justice, which he thinks is desperately needed. There was a discussion in conference.

My amendment would not be germane, let me say, after cloture. I went back to my office and discussed on the telephone with the Senator from Florida and the Senator from Colorado my concerns, and met with my staff about my concerns.

What did I do, Mr. President? As a Member of the majority I decided that taking into consideration the importance of this bill I should vote for cloture. We are going to introduce a separate bill later, and we are going to introduce a Senate resolution on the things we are concerned about.

I think it is absolutely remarkable that, no matter how hard the majority leader tries to get a final vote on the most important crime package to come before the Senate in the decade I have been here, friends on the other side always find an excuse not to vote for it. They go out to the country every second year in an election and beat us to death talking about crime and trot out Willie Horton and all other kind of egregious things that happen in political campaigns. When they get an opportunity to vote against crime, for some reason they cannot do it.

How is the majority leader, may I ask you, Mr. President, ever going to get a vote that satisfies everyone with 337 amendments out there? My amendment will not even be allowed in the 30-hour time constraint after cloture, but I made my hard decision to vote for this crime package.

I might inform my colleagues on the other side that if they will go look at the record on most of the amendments to S. 1970, on which we have voted, I voted on the side of the amendment that was defeated, incidentally. This is not even the crime bill I exactly wanted. It is a whole lot better crime package than is on the books right now.

For those that go out and make the death penalty speeches, make the habeas corpus speeches, go out and say we ought to shorten the time for appeal in capital punishment cases and say we ought to stop using the street sweepers that kill little children in schoolyards—those speeches are wonderful; they really turn me on—but how about once in a while voting for a bill? It might come as some remarkable information for the people of this country that to do these things you have to pass legislation. That is what we are talking about.

You know I happen to be in the leadership. I do not like the fact that the majority leader made the decision that I had to make my choice. I made that choice. Every other one of the hundred Members can make the hard choice, decide whether you want your particular amendment you love so much or a decent crime package. There is not any way he is going to work out the 337 amendments.

I have been on this floor before managing, as deputy manager, SAM NUNN's DOD authorization bill. You get 175 amendments and you slog and you slog, you work on weekends, no one shows up but you, and in the end everyone dies of exhaustion and says, my God, let us pass it. That is what happens. And that is what they know will happen here.

The majority leader, this poor guy who gets here before us in the morning and leaves after we are all back home at night in pajamas watching on television to see what time the poor devil gets to go home, is supposed to keep on standing here subject to this abuse.

There is a bill here. It is not my bill. I am not even a sponsor of the bill. It is a better bill than anything that is a possibility and someone who goes home and makes a crime speech ought to show up and vote for it.

I am prepared to vote for it. I voted for cloture both times I did not get my amendment. I am ready to vote for cloture another time.

If the majority leader cannot handle that, and he wants to go on to other business, I understand that as well, but I wish people would come over here once in a while and quit making all the speeches about what terrible shape the country is in. Sometimes you have to vote for a bill.

I thank the majority leader for the time.

Mr. MITCHELL. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. Mr. President, if we have all had a chance to say something, the distinguished former chairman of the committee, the now ranking member, former President pro tempore, has worked very diligently on this matter, so I am going to yield the

floor so Senator THURMOND has the opportunity to address the Senate.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, it is rather difficult for me to get the floor because there has been so much talking.

I want to say this, first: The majority leader favored cloture. The Republican leader favored cloture. Both managers favored cloture.

I think we should have gotten cloture on this bill. The reason I say that is I think we could have acted much quicker and gotten cloture, and we could bring up germane amendments and could not bring up nongermane amendments, but the bill ought to be restricted to germane amendments anyway. On the other hand, this bill is so important I do not think it will stop right now. I think it is up to both sides to find some way to get together and pass a crime bill.

The murders committed in this country are just outrageous. The robberies committed in this country are too numerous. The rapes committed in this country are worse than they have ever been in the history of the country. Burglaries, all types of crimes have risen. We must in some way find a manner in which to pass this crime bill.

It is not a question now blaming the Republicans, or Democrats, or whatnot. For the good of the country we ought to get together somehow and pass a crime bill. I urge the majority leader and the Republican leader to get together and reach some agreement.

I think what we could do is this: Maybe each side could caucus, come up with 25 amendments, and reach a time limit and come back here and act on this crime bill. It is so important.

We have spent many days on other pieces of legislation. Someone mentioned the Hatch Act bill. The Hatch Act bill was interesting to some people. A lot of people were against it. But at any rate we stayed on it a long time. We have not been on the crime bill that long. I think we need to stay on this crime bill until we get it passed.

I urge the majority leader not to give up on this, either stay on it now or let us reach some agreement to limit these numbers of amendments and come back and pass a crime bill. The country is demanding a crime bill. The Congress ought to act and pass a crime bill. I hope we can get together.

As ranking member of the Judiciary Committee, I am willing to appoint someone on my side, and I am sure the chairman of the committee can appoint someone on his side, and we can limit these amendments maybe to 20 or 25 amendments and get action. Let us not give up.

The people want us to act. We are here to serve the people. We ought to act. We should not delay. I hope this can be worked out in some way.

Again, I urge the distinguished majority leader and the distinguished Republican leader to get together and see if we cannot reach an agreement, and bring a crime bill to the floor, and pass it.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I will not belabor the subject, but again for many of us who voted against cloture, it is the desire to operate a little more openly than we have been permitted to operate on this bill. With all due respects to the managers of the bill, there have been a lot of preconceptions of what could or could not be done with respect to the bill. I am not sure we really explored all the possibilities.

I fully support the statement just made by the Senator from South Carolina that we ought not to abandon the attempt at this stage. I will repeat what I said earlier. This bill has been on the floor for amendment on only 3 days. In those 3 days that we were on the floor on this bill I think we had either three or four or five amendments. I have not gone back and checked the RECORD. But those three or four or five amendments that were debated consumed over 23 hours of time. There has not been any opportunity on those 3 days to discuss anything more than those three or four or five debated amendments.

Against that backdrop many of us were very, very uncertain as to whether or not there would be any real attempt to deal with the other issues which are germane and some which are arguably germane, they deal with crime but not necessarily germane to this legislation, and there will be debates and arguments about that. But how could we deal with all of those issues or even several of those issues in a 30-hour time limit when we already spent over 23 hours on just three or four or five issues?

I believe that it is possible, and I hope that the managers of the bill on both sides of the aisle and others who are interested in this bill will attempt to negotiate both a limitation on the numbers of amendments, their identity if that is possible, and attempt to get limits on that that will fit within some reasonable time limit on the bill. My own guess is at this point that it is not impossible to get this bill disposed of within 30 hours without cloture but with unanimous consent.

Cloture is a draconian measure in this body and it is one of the things that the leadership has to try to use, to limit the time that is spent, but it is not the only way to limit the time that is spent.

When we went to the more restricted cloture process, we first went to 100 hours. Then we got tired of that and said it will only be 30 hours, but it will only be invoked upon very rare occasions. I think we knew when we got this strict postcloture regime, and particularly when it was limited to 30 hours, that cloture was going to be more difficult to achieve. But we begin now the process of starting cloture before we are even into the bill.

With respect to the 330 proposed amendments, I say to the Senator from Maine, the majority leader, for whom I have great respect, there were over 360 amendments pending or filed with respect to the Clean Air Act and yet the Clean Air Act got passed. And the Clean Air Act is a very, very important piece of legislation, I have no question about that. I think everybody in this body knows that if the Senator from Maine had not had that as a very high priority, it probably would not have gotten done. And I think everybody across this country has given me either credit or blame for the Clean Air Act depending upon their view of the merits of that act. But there were more than 360 amendments, more than have been identified here, and yet it got done.

As I say, after 3 days of debate on amendments, the process was closed. We were told at that point there will be no more time devoted to this bill unless it is under cloture. I submit that is not really the kind of effort that ought to be made to pass legislation that is as important as this.

I hope there is the opportunity to work out something. I hope the majority leader will not take this legislation down and will give us the opportunity to see if indeed there is something that can be done if there is reasonable opportunity for the amendment which I and many others do not think has been afforded it to this time.

Mr. MITCHELL. Mr. President, I respect the distinguished Senator from Idaho and I respect his comments. I will merely repeat that we had an opportunity to do something about the crime bill and that was the vote to pass the crime bill by invoking cloture.

It was stated publicly on the Senate floor, off the Senate floor, well in advance, that this is it. If someone wants a crime bill passed, the way to get a crime bill passed is to vote for cloture because that is the only way a crime bill is going to pass. And every Member of the Senate knows it.

Now Senators who voted against cloture, for whatever reason—and I respect that; every Senator has a right to do what they want to do—say, well, let us follow some other course.

The cloture vote was a tough vote. It was a tough vote for a lot of us. Never, since I have been in the Senate, have I voted for the death penalty. I have a deep conviction on it. This bill in-

cludes a death penalty. I voted for cloture. That was a tough vote for me. But I did so because I want a crime bill passed.

Now other Senators chose not to vote for cloture for their own reasons. They were free to do so. They did so and we did not get cloture. And so we do not get a crime bill.

But let us not have any misunderstanding about where the responsibility lies for not getting a crime bill. It lies in the cloture vote just held. That was stated clearly, publicly, and unmistakably beforehand. And if those Senators, for whatever reason—for which they are entitled to full respect—decided not to vote for cloture because they did not want to make that a tough vote for whatever reason, whatever issue, guns, death penalty, exclusionary rule, whatever their decision, that is their decision. But it is not the majority leader who is taking this bill down. It is the Senate which is taking this bill down and specifically the Senators who voted against cloture who have taken this bill down. That is where we stand now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader has yielded the floor.

Mr. DeCONCINI. Mr. President, I just want to support the majority leader's observation and his judgment here. He has taken a great deal of pain to work out a crime bill during the last 6 months almost, at different times waiting for everybody, waiting for other legislation, being sure that everybody was included, nobody would be left out of this. And now we are faced with it. As the majority leader said, he even added another day on the second cloture vote.

But it was clear to everyone that, if this cloture vote was not passed, this bill was coming down because of those who do not want the crime bill, and I respect them. Some voted against cloture because they do not want the death penalty. I respect that. I disagree with it, but I respect it. Some voted against it because they do not want the gun restrictions, and I respect that.

But let us face the facts here. When you get a good, tough crime bill, it is not perfect for everybody and we know that. There are going to be things in that crime bill, if it passed, that I would like to see stronger perhaps. But the fact is that we cannot expect the majority leader to continue on more months or weeks than he has already put on the crime bill.

In essence, we have had this crime bill for 6 months, almost, before us here. We were supposed to have passed it last year, remember? It was supposed to be the last piece of legislation on the floor. Everybody wanted to get out and knew we had to pass the crime bill because it was important to this country, that we enhance some of

the criminal penalties, that we do something about the death penalty, and habeas corpus, and other things, and we decided to put it off. Then the majority leader at the beginning of the year said that is what we are going to take up. So we were ready to take it up and people said, well, we need some more time and we have to work out some things. And we put it off again. That has happened two or three times and now we are faced with it. We are here, we are at the stage, and this is the time to perform.

If you want a crime bill, it is now. And there is a lot of legislation pending, as the majority leader already pointed out, the budget being just one crucial important part, not to mention the need for the appropriation bills that follow.

I do not know what anybody else can ask the majority leader to do than what he has done to try to pass a crime bill. He has voted for some things, and other things as others have voted for, that have been tough votes that he probably did not want to vote for.

But there are 57 of us that are committed to a crime bill here. Unfortunately, under the rules, that is not enough. So we are faced now with the possibility that we will not have a crime bill except as willy-nilly Senators want to attach it to a budget resolution or an appropriations bill or some other place.

I am sure we will have plenty of time to vote for these different issues. But we have to have some kind of order here to take up bills that deal with the subject matter. And here is exactly where we have been. We have had a couple of weeks on this crime bill. We have had a lot of debate. There has not been anybody cut off. Nobody said, "Hey, hurry up, get through with this bill."

But the time has come, when you can see it is stretching out, that you have to bring it to a head. That is what I think cloture is all about. Quite frankly, that is what I think leadership is all about. The majority leader has demonstrated that time and time again and he certainly is doing it now.

Mr. HATCH. Mr. President, I do not want to prolong this, but I do want to make these comments. I have nothing but the highest respect for the majority leader. I have nothing but appreciation for the pains and sufferings that he goes through on both sides of this floor. I know it is a difficult job. It is a thankless job in many ways. And I do not know of anybody I respect more as the majority leader than the current majority leader. I have a great personal affection for him and he knows that.

Now, having said all that, I believe that if it was up to the Senate whether we should take that bill down or

not, the Senate would vote not to do so at this time, especially if there is a good faith effort, for the first time by the way, on the Republican side to narrow the amendments at least on our side which would imply that the Democratic side narrow the amendments, too.

We have not had that opportunity since we started this debate. All that was asked was that people notify on the hotline the amendments that they had. We have to say that although we have had a number of days of debate, there was a pretty clear indication that we were not going to be able to bring up a significant number of amendments without having the tree tied up and people foreclosed from really having fair consideration of their amendments.

I can also say that there are a number on our side who probably will be accused of voting against cloture because of the DeConcini gun amendment, who could care less if the decision was made that we would not have a crime bill versus whether we defeat the gun measure.

I think it is true there are a lot of people on this side, including myself, who do not like that gun measure and who believe it is the wrong thing to do. On the other hand, the majority did speak on it and, as far as I am concerned, it is a bothersome thing to me, but the bill is an important bill and it is worthy of further consideration.

I also believe that of all the bills we have had this year, it is easy to list those we would call landmark bills. Certainly clean air fits in that category. But this bill has not had the consideration of clean air, and clean air at one time had hundreds of amendments. We were only able to get rid of those amendments when we got to a procedural position which is similar to this one where Members have to say: "Hey, we have to cut it down in order to get a bill."

I think we are at that position here and I believe we can cut down the amendments to get a bill. At least an effort ought to be made to do so. This is an important bill.

I have to admit it needs to be said this is not the President's bill. The President's bill would have been the Thurmond substitute which basically was prohibited from being brought up because of the way the debate went. Under certain circumstances it could be brought up, but only by foreclosing other opportunities.

If this bill passed in its present form, I would be tremendously pleased with the death penalty part. I would be tremendously pleased with the habeas corpus part. I would be displeased with the exclusionary rule part and, of course, naturally, with the DeConcini part.

The fact of the matter is there really has not been a fair chance to

amend this bill, and even if we agree to cut back on amendments, even if we agree to that, there will not have been a fair chance to amend the bill.

But I think that is where we are and I think most people will admit that would be better than giving up what really is one of the most important bills of any year, let alone this year.

What I am suggesting is this. I personally believe that we, on this side, could cut down the total number of amendments to where we would not use the 30 hours that would have been used postcloture, if cloture had been invoked. I believe we can cut them down and agree to time agreements that would use considerably less hours than the 30 hours; in fact, considerably less hours than half the 30 hours, so we give an equal opportunity to the other side. I believe that could be done. I believe our minority leader believes that could be done. And I believe that would be in the best interests of this bill, because we would lose nothing.

Postcloture we had 30 hours more to go. We had something like 40 to 60 amendments there. I think we could cut this down to 20 amendments a side, and I think we could agree to a half-hour time limit for each amendment if we had to. That would be less than the 30 hours, and I think even the votes that would be required would be within the limits of 30 hours.

I think it is a real mistake to pull this bill down just because cloture has not been invoked. So what? That is not a good reason to bring it down. If we have a good faith effort—we do this all the time; we have hundreds of amendments filed on these bills and then when the pressure comes and the procedural situation arises—and perhaps that is what the majority leader is doing here, and I hope so—if the procedural situation arises, then people have to stop and they have to get rid of all the amendments that really should not be called up and they go to the salient, important amendments that should.

In this case, if we cut back to 20 amendments on this side, agree to a time agreement on each amendment and we were able to proceed and even go under the 30 hours that we would have undoubtedly had to go through had cloture been invoked, I do not see how anybody loses. The Senate wins. The people win. The bill would be passed. And it would have tremendous bipartisan support.

That is worth the effort. That is worth not throwing in the towel. This is a landmark piece of legislation. This is an important bill. I know that the distinguished chairman of the committee and the distinguished ranking member of the committee have worked years to get this bill to this particular point at this particular time. And they have not been alone.

Some of us have been right there slogg- ing in the trenches with them.

I think it would be an absolute tragedy to bring this bill down because, for a variety of reasons, including absentee Senators today who had to be gone, we could not get cloture today. I do not think we need cloture under these circumstances. I think it would be fair. I think we would go to quick votes. Yes, some of them might be difficult for one side or the other to vote on. But that is what we go through here. That is what this life is. It is not a bowl of cherries. We sometimes have to stand up and vote on tough issues.

So what if we do? We do it all the time. But to get a landmark piece of legislation like this through it is worth 6 weeks on this floor, not 5 days. Here we are offering just another day to get it through, or another full 24 hours to 30 hours, which we would have had to have done had cloture been invoked.

I think that can be done. I think it has to be done. If it is not done, then do not say that just because we did not get cloture, we cannot have a crime bill.

I also agree the majority leader sometimes has to say this is the end of it, but I do not think he should say it on this particular bill, as important as it is, with that particular type of good faith effort, if we can make it on both sides. I think we can do it and I have been known to be right on some of these procedural matters. I think we can do it. I think it is worth doing if in the end we get this bill.

I would like to have the gun thing in there, but if it is, it is.

If we can get a bill, then it would be a good thing.

Mr. President, I have said enough on this. I wanted to make these points. I want to commiserate with the majority leader but also encourage him to do this because I think Senators of good faith can get this matter resolved.

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

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, we have had a good deal of discussion this morning in the aftermath of the failure to get cloture on the Biden-Thurmond crime bill. I have been speaking with Senator THURMOND, as you might expect, since both of us feel very strongly that we should have a bill. I think the distinguished former chairman of the committee is here, and I do not want to misspeak, so I hope he will listen to what I have to say, so I do not

characterize his position differently than is accurate.

We both are of a view that the only way we are really likely to get a bill is if we can enter into negotiation which very narrowly defines what we are ultimately going to vote on, so we can get up what we have worked on; that is, death penalty, habeas corpus; and there are provisions in the bill relating to money laundering that we can agree on, that we could work out a final amendment. And the only issue unresolved by us is whether or not we have one vote on the exclusionary rule; and I drop the reorganization of the Justice Department provisions in this legislation or we work out some compromise on that.

I want it to be known that I have discussed this with the majority leader. If we can end up with something along the lines suggested by the distinguished Senator from South Carolina [Mr. THURMOND], then I would be prepared to go that route, as would the majority leader. That is, to reiterate, that we would essentially pass what we have approved already, in addition to which we would have a vote on the exclusionary rule as proposed to be changed by the Senator from South Carolina, and potentially a vote on the reorganization of the Justice Department, or dropping that; but they would be essentially the only things we would do, and we would pass this bill, and then we could move on to debate other aspects of the criminal justice system.

So, I just want the ranking member to know that I have discussed this with the majority leader. He is prepared to accept that approach if that is the will of our Republican colleagues. I am prepared to accept it and propose it. I think it would be a very worthwhile way for us to move. It would avoid all the consternation that has been existing on this floor and may from this point on if we do come up with some reasonable resolution dealing with what is a good, good bill, a solid bill on the death penalty, a solid bill on habeas corpus, and a solid bill on other provisions.

So I ask my Republican colleague if that is essentially what he was proposing.

Mr. THURMOND. Mr. President, that is correct. I feel very strongly that we ought to pass a crime bill. We have gotten together on so many provisions here that I think we can reach an agreement on one or two other provisions and adopt this bill.

I thank the distinguished chairman of the committee for looking very favorably upon this arrangement. I think I can work it out.

Mr. BIDEN. With that in mind, as I have said, I have spoken to the majority leader and he has authorized me to accept that approach if that turns out to be the will of the leadership, in ad-

dition to Senator THURMOND, on the Republican side. He is convinced, as I am, that we should have a bill. This is a vehicle by which we can get a bill.

I am confident our staffs can literally in a matter of an hour or so bring to resolution all of the remaining issues in S. 970 and agree on a unanimous consent approach as to what would be in order in terms of amendments to reorganization of the Justice Department, if we do not drop that, or a single amendment on changing the exclusionary rule as redrafted, and no more votes on anything. And then vote up or down on this crime bill. That is what the Senator from South Carolina wants. That is what I want. I am confident, as the leaders of the Judiciary Committee, we can provide such a vehicle for this body, and we would be prepared to vote on it relatively shortly. I think it is a good suggestion.

Mr. THURMOND. This is what I proposed to the able chairman of the Judiciary Committee. And when we get through—The Senator from Delaware has already talked to the majority leader—I would like for us to talk to the Republican leader and see if we can reach agreement on that.

Mr. BIDEN. I can say with certainty the majority leader is prepared to accept this. I have discussed it. I have pointed out the wisdom of the position proposed by the Senator from South Carolina. He has authorized me to say that is fine with him if the Republican leadership were to agree.

Mr. WIRTH. Mr. President, during a recent trip to Colorado, I met with State officials and members of the Colorado Association of Chiefs of Police, who expressed their concern about the existence and use of assault weapons among drug dealers and gang members in Colorado. This organization, as well as law enforcement officials from all over the State, enthusiastically support a prohibition of the sale of these weapons of war.

The provision in the crime package would prohibit the transfer, importation, receipt, or possession of nine assault weapons, except for those used by Federal, State, or local governments and those weapons lawfully possessed before enactment of this bill. New recordkeeping requirements would be established for the transfer of previously owned weapons. The proposal would also require a minimum 10-year prison sentence for anyone using or carrying an assault weapon during the commission of a crime of violence or a drug-trafficking crime.

I believe we need to tackle the problem of crime and drug trafficking head-on. There are no quick fixes and there are no easy solutions. We must have a clear strategy and fight this battle in a coordinated fashion using our resources wisely. Clearly no single legislative solution will end our war on

drugs and violence in this Nation. However, I believe the comprehensive package of provisions in this bill form a strong base to fight this battle.

Mr. President, I ask unanimous consent that some of the letters I have received from law enforcement officers in Colorado be inserted for the RECORD.

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

CITY AND COUNTY OF DENVER,
DEPARTMENT OF SAFETY,
Denver, CO, December 6, 1989.

Senator TIMOTHY E. WIRTH,
Denver, CO.

Dear Senator Wirth: Your letter dated November 27, 1989, concerning the Anti-Drug, Assault Weapon Limitation Act (S. 747), was received with great interest.

You are probably already aware of our new ordinance banning the possession and sale of assault weapons within the City and County of Denver. Our ordinance bans the possession and sale of the same weapons banned by S. 747.

The Denver Police Department participated in the drafting of the Denver ordinance and supported its passage because of our belief that it enhances the safety of both our officers and the citizens of Denver.

I testified before City Council that I believe Federal legislation is the best method of controlling these weapons. Our ordinance certainly will have an impact on sales within our city, but cannot address sales and possession outside our own jurisdiction.

The rights of gun owners were a consideration in drafting our weapons ordinance. We strongly believe that banning these weapons does not violate a citizen's right to own most weapons for recreation or self defense.

Act S. 747 is supported by the Colorado Chiefs of Police, the County Sheriff's Association, the I.A.C.P., F.O.P. and many other organizations. We would like to add our voice to that support, and ask you to support S. 747. If our department can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,
ARISTEDES W. ZAVARAS,
Chief of Police.

CITY OF FLORENCE,
POLICE DEPARTMENT,
Florence, CO, December 6, 1989.

TIMOTHY E. WIRTH,
Senator, Colorado Springs, CO.

DEAR SENATOR WIRTH: Thank you for your letter to me dated November 27, 1989 in which you requested my opinion concerning the Antidrug, Assault Weapons Limitation Act S. 747. I would like to state first of all that I am a NRA Police Firearms Instructor and also hold Certification as a Firearm Instructor by the State of Colorado Board of Peace Officer Standards and Training. I also consider myself to be a hunter and in fact I am also a Master Instructor for the Hunter Education Department of the Colorado Division of Wildlife.

I do not feel that the weapons identified in S. 747 are weapons that should be allowed to be owned by anyone other than the military or law enforcement agencies. I see no valid reason for anyone to own such dangerous weapons. Granted a gun in itself is not dangerous but neither is dynamite.

I would like to see stiffer penalties for persons convicted of any crime involving the

use of a firearm and especially such assault weapons as listed in S. 747.

Sincerely,

GUY E. ORAZEM,
Chief of Police.

CITY OF ARVADA,

Arvada, CO, December 2, 1989.

Hon. TIMOTHY E. WIRTH,
U.S. Senator, Russell Senate Building,
Washington, DC.

DEAR SENATOR WIRTH: Thank you for your inquiry about Senate Bill 747, the Anti-Drug, Assault, Weapons, Limitation Act. I am firmly in favor of this bill and I believe that most of the Chiefs of Police in Colorado feel likewise.

This bill will not interfere with hunters, the right to self-defense, or the general right to keep and bear arms. It is a reasonable regulation of military type weapons that will make it somewhat more difficult for individual criminals, organized criminal gangs, terrorists, fugitives from justice, and the deranged to acquire weapons with a tremendous fire power that assault weapons possess to harm the public's safety.

I urge to vote for Senate Bill 747. Please let me know if you have any questions or if I can help further.

Sincerely,

PATRICK C. AHLSTROM,
Chief of Police.

SAN JUAN COUNTY

SHERIFF'S DEPARTMENT,

Silverton, CO, December 7, 1989.

Senator TIMOTHY E. WIRTH,
U.S. Senate, Washington, DC.

DEAR SENATOR WIRTH: I thank you for the opportunity to respond on the issue of the Antidrug, Assault Weapons Limitation Act. I applaud your efforts in trying to gather as much information about the issue as possible before you make a decision.

I am not an anti-gun advocate. I am fully aware of the rights of citizens to bear arms. The question is not guns in general, but on assault weapons. These weapons have no other practical use than what they were designed for, assault on another person.

I wholeheartedly support this bill for several reasons. The assault weapons have now become the weapons of choice with the drug cartel, dealers and with mass murderers. They have been able to stay one step ahead of law enforcement who are, for the most part, not prepared or equipped to deal with these weapons. I have a great concern for my officers, for if they were to come bullet to bullet with these weapons, they wouldn't stand a chance.

The drug war has become just that, a war. A war that we are losing because we are outmanned and do not have the proper equipment. Unless we are ready to turn our country into a war zone like Colombia, which is in total chaos, we must show the drug dealers that we mean business. A ten year prison sentence for the use of an assault weapon during a drug-trafficking crime is fine but, it should rise to a proportionate sentence if death is caused.

Violent crimes are sometimes associated with drug usage, but not always. There is the mass murderer that randomly and for no apparent reason opens fire on school yards or some other public gathering. For this crime death is the only answer.

I support any effort that is being made to protect my officers, children and family. I am behind S. 747.

I thank you for this opportunity and trust you will make the right decision. Good luck.

Sincerely,

GREGORY G. LEITHAUSER,
Sheriff.

CITY OF FORT COLLINS,

Fort Collins, CO, December 5, 1989.

Senator TIMOTHY E. WIRTH,
U.S. Senate, Washington, DC.

DEAR SENATOR WIRTH: I strongly believe that S. 747, introduced by Senator DeConcini, is a reasonable approach to the assault weapon threat to our peace officers and the public at large in this country, and would support its passage in the Senate.

This bill prohibits the importation, domestic manufacture, and sale of new semi-automatic assault weapons as defined in the bill, without restricting the possession, transfer, and sale of assault weapons lawfully possessed before the act's passage.

We know our peace officers in this country are being confronted with criminals, including narcotics violators and other violent criminals who frequently arm themselves with assault-type semi-automatic weapons and misuse these weapons in the pursuit of their criminal activity. The continued use of these assault weapons has contributed to the rising numbers of murders of law enforcement officers and innocent civilian victims.

The latest Gallup poll conducted nationwide February 28 through March 2, 1989, of 1,000 adults, 18 and older, indicated that 72% favor federal legislation to outlaw assault weapons. These weapons are not "hunting" or "sport" weapons, but are manufactured as weapons of war for the sole purpose of inflicting serious bodily injury or death upon humans.

Based on all of the above information, Senator Wirth, I would encourage you to vote in support of the passage of S. 747.

Sincerely,

BRUCE D. GLASSCOCK,
Chief of Police.

TOWN OF COLLEBRAN,

Collbran, CO, December 14, 1989.

Re S. 747.

Senator TIM E. WIRTH,
Grand Junction, CO.

DEAR SIR: Our little community sets among some of the best hunting locations in Colorado. Deer and elk hunters come here in hopes of bagging trophy game. Living in this community are numerous gun owners and sportsmen but I have not found one yet that insists he is in need of a fully automatic weapon. A true sportsman believes and states quite emphatically that it only takes one shell to down his prey.

We have heard the argument presented that you have the right to bear arms, the right to protect yourself and your family and the right to defend your family against invading armies. What are the odds in our lifetime a situation will arise that a Mac 10 machine pistol would be a useful tool defending against a burglar. The overspray of the weapon alone would cause 10 times the damage of the loss of goods.

Law enforcement officers don't carry such weapons because of the potential danger to innocent bystanders but criminals don't concern themselves with that. We feel possession alone shows a risk to society and a danger to human life, and if used in a threatening way should be penalized heavily.

I myself support the Antidrug, Assault Weapons Limitation Act (S. 747) and sup-

port your efforts to take automatic weapons off the streets. Law enforcement is hard enough without adding to its worries that at any time you could be out-gunned by a drug dealer holding a weapon that can fire 3,200 rounds per minute.

Sincerely,

DAVE MIKESELL,
Collbran Town Marshal.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER (Mr. SIMON). Is there objection to the request?

Mr. WIRTH. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Senator GRAHAM, Senator DIXON, and I had wanted to talk a little bit about the introduction of a bill relating to the savings and loan task force. Would that be appropriate to do at this point?

Mr. BIDEN. Mr. President, the leadership would not object to that with the stipulation that following their colloquy on whatever the issue is they wish to speak to the Senate would then go into recess subject to the call of the Chair. I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection to that modified unanimous-consent request? Without objection, it is so ordered.

ESTABLISHING A FINANCIAL SERVICES CRIME DIVISION IN THE DEPARTMENT OF JUSTICE

Mr. GRAHAM. Mr. President, I request recognition for purposes of introducing a bill on behalf of myself, Senator DIXON, Senator WIRTH, Senator KERREY of Nebraska, Senator KERRY of Massachusetts, Senator SIMON, and Senator LEVIN.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GRAHAM. Mr. President, the legislation that we have just referred will establish a Financial Services Crime Division in the Department of Justice. We are offering this bill as a separate matter now, also to alert the Senate that the essence of this legislation is also pending as one of the amendments to the current crime bill.

It will be our hope to be able to pursue this as part of the reorganization of the Department of Justice title within the crime bill or elsewhere within the crime bill; failing that, to pursue it as an individual matter pursuant to the legislation which we have just filed.

Mr. President, there is no financial scandal in the history of the United States of America which compares with the financial scandal that has now beset us as a result of the disastrous conditions within the savings and loan industry.

I have three editorials, or columns, which illuminate various aspects of this scandal. One of those is an article from the Chicago Tribune by Mr. Mike Royko on "Taxpayers Would Enjoy Paying To Put S&L Crooks in Jail." Another from the St. Petersburg Times, "Where Did All the Money Go?" And a third from Robert L. Steinback, Miami Herald, "Americans Pay the Price for Bad Loans."

I ask unanimous consent those be printed in the RECORD immediately upon conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the S&L crisis is a book with many pages and nuances. One of the major chapters is the issue of illegality, fraud, deception, and abuse of trust, which has been such a significant part of the public outrage over this circumstance. That outrage has been aggravated by the fact that there has been virtually no action taken directed at those persons who have been such a direct cause and beneficiary of the abusive behavior.

In fact, the public outrage has been exacerbated by the casualness with which the issue of criminality is being dealt. That casualness reached an apex in recent days in testimony before the House Banking Committee offered by one of the directors of a failed S&L, Mr. Neil Bush.

Mr. Bush, in his testimony, discussed the extensive degree of self-dealing between directors of a savings and loan association and the individuals who borrowed money from the savings and loan association and also had financial dealings with those same directors. The loans from the savings and loan in the most part subsequently resulted in enormous losses to the savings and loan, which will now be enormous losses to the taxpayers.

In response to the inquiries about how this issue should be dealt with as a matter of public policy, Mr. Bush stated as follows:

To finger-point and look for crooks where there are none is not doing a service to this country, because we are facing a humongous problem.

I would certainly agree with the last phrase, "We are facing a humongous problem." I would take great deference with the statement it is inappropriate for us to try to determine who was the cause of this problem.

Mr. Bush goes on to say:

I do not think every time there is a failure, you have to finger-point.

I assume the conclusion of that statement is that we should accept this as something that nature preordained, that it was beyond human control, that it is beyond human acceptance of responsibility. It is an application of, I guess, the sociological theory of criminal justice, that there is no such thing as personal responsibility; it is all society's fault, and therefore we should look elsewhere.

I reject that view. I believe in personal responsibility and accountability, particularly when people have accepted a position of public trust and honor, and have violated that trust and honor.

This situation is not limited to one group of trustees, one group of directors, or a particular institution. It is fraud on a massive scale. In March 1990, an FBI survey shows that there were 21,000—Mr. President, I repeat that number, 21,000—savings and loan fraud referrals which had been made to the Federal Bureau of Investigation which were "unaddressed."

"Unaddressed" does not necessarily mean they are being ignored, according to a representative of the Federal Bureau of Investigation. But it does mean that there has been substantially no action taken on those 21,000 fraud referrals. Assistant Attorney General Edward Dennis, Jr., before the Subcommittee on Crime of the House Banking Committee, stated that there were 1,298 cases before various U.S. attorneys which were currently listed as "inactive"; 1,012 of those cases related to losses of more than \$100,000 to savings and loans, that is 1,012 referred cases to the FBI involving losses in excess of \$100,000, which are currently inactive; 234 of those cases referred to the FBI, listed as inactive, contained losses of more than \$1 million as a result of fraudulent activity.

We have had before the Senate for the past several days a crime bill. We are trying to identify people who have committed all nature of illegal activities. We are concerned about people who engage in drug transactions. We are concerned about people who engage in acts that endanger persons' property, particularly those that endanger the lives of our citizens. What does it say about our criminal justice system when we have 21,000 S&L fraud referrals sitting unaddressed; 234 cases which have a loss estimated at more than \$1 million.

In testimony before the same House Crime Subcommittee, Mr. Dennis said that Justice had never sought more than \$50 million in budget capacity to deal with this problem, even though that number, \$50 million, was only enough to pay for half of the new FBI agents and prosecutors which the Justice field offices said would be needed to prosecute the S&L fraud.

That is an admission that the resources that are available are inadequate, and that the Department of Justice has never intended to seek funds that would be adequate to pursue the case to the extent that the number of potential malefactors would warrant.

In 1989, the FBI field agents requested 425 new agents to help investigate savings and loan complaints. The Bush administration approved half of that number. In 1989, U.S. attorneys requested 234 more lawyers to help prosecute S&L cases, but the Bush administration cut that fund increase by one-third. Before the crime subcommittee, Mr. Dennis conceded that if Congress were to boost bank fraud prosecution funds by another 50 percent, the Justice Department could use the money, and that it would be spent appropriately to investigate and prosecute serious cases.

In addition to the inadequate level of commitment, the lack of any sense of prosecutorial, investigatory zeal, the failure to request what has been admitted to be the adequate amount of resources necessary to pursue these cases, I am concerned about the way in which the Department of Justice has determined to pursue these cases. That is to place the responsibility on each of the U.S. attorneys' offices.

I have had some conversation with those U.S. attorneys, and the information which I have received has been that these are extremely complicated cases requiring special expertise, necessitating a diversion of existing investigatory and prosecutorial resources from the major crime demands which the offices faced before the S&L circumstance collapsed, and that the likelihood of effective prosecution through the system that has been suggested by the administration is slight to nil.

So, Mr. President, the legislation that has been introduced today by distinguished Members of the Senate, including the Presiding Officer, will provide for the establishment, within the Department of Justice, of the Financial Service Crime Division. That division, which will be headed by an assistant Attorney General, shall have the responsibility for assuring that all investigations and prosecutions are coordinated within the Department of Justice to provide the greatest possible use of civil proceedings and forfeitures to attack the financial resources of those who have committed fraud or engaged in other criminal activity in or against the financial services industry. All investigations and prosecutions are to be coordinated within the Department of Justice to ensure adequate resources are made available in connection with criminal investigations and prosecutions of fraud and

other criminal activity in the financial services industry.

In a word, Mr. President, what we are proposing is to establish something very similar to what was effectively used several years ago relative to organized crime; that is, a specific unit within the Department of Justice charged with that responsibility and then the use of strike teams across the Nation of investigators and prosecutors with special training and expertise who will be able to build upon their past experience in order to most effectively ferret out those who have violated the public trust, both those within the industry, Mr. President, I might say, and those outside the industry who, with knowledge of a conspiratorial intent and purpose, engaged in activities which looted these institutions.

Evidence has been presented in the case involving Mr. Bush in the institution in which he served as a director that there was a pattern in which a developer seeking a loan would secure not only the amount requested for the particular project, but also additional funds. The commitment was that those funds, beyond what was required for the development, would be used to purchase instruments of the S&L itself. The effect of that transaction was to create a false impression as to the degree of financial solvency of the savings and loan institution, thus, to dampen the ardor of the regulators to move against that institution and to allow the institution to continue to live on to be plundered another day.

I believe that instances like that and other circumstances in which people outside the institution knowingly took advantage of the institution, profited by it, and contributed to the institution's demise and now this enormous cost to the American taxpayer, that they, too, should be subject to both criminal and civil investigation and the most aggressive prosecution that the facts would allow.

The legislation that we are introducing today will give us the means to do that, will give us a focus of national attention to deal with the criminal aspects of this horrendous problem and will assure the American people that we are not doing what Mr. Neil Bush had suggested, and that is, that we are saying that just because there has been a problem does not mean that you need to finger point and try to find the problem. Yes, there has been a problem. We need to face that fact. Yes, that problem has, to a significant degree, been the result of criminal, fraudulent activity and, yes, we have a responsibility to the American people to see that those who engaged in those activities are brought to the fullest degree of justice.

I thank the Chair, and I yield to my colleague and friend and cosponsor of

this legislation, the Senator from Illinois.

EXHIBIT 1

[From the Chicago Tribune, May 29, 1990]
TAXPAYERS WOULD ENJOY PAYING TO PUT
S&L CROOKS IN JAIL
(By Mike Royko)

Our Washington financial wizards are now guessing that it's going to cost us about \$250 billion to clean up the savings and loan disaster. Or maybe it's \$300 or \$500 billion. Nobody is sure what the final loss will be because so many thrift institutions, as they are laughably called, are staggering and might go under at any moment, upping the tab.

This means that those of us who pay taxes will be digging deep for years. The losses might be so big that our kids could be paying after we're gone.

And we're not talking pocket change. It will probably be at least \$1,000 from every man, woman and child in this country. But because not every man, woman and child pays taxes, it's going to cost those who do several thousand.

So we've been had. We've been fleeced. We've been taken. All we can do is pay and hope it doesn't happen again, right?

No, that isn't right. It's one thing to be fleeced. It's another to get nothing in return.

This isn't the first time we've been taken. But in most cases, we have some little thing to show for it.

If the Pentagon spends billions to develop a tank that can't make a left turn or an airplane that can't fly, we have some tanks that can't turn left and planes that don't fly. You never know—some day the Japanese might want to buy them as souvenirs.

When a federal agency spends money on scholarly studies to determine what percentage of urban pigeon droppings land on people's hats, the studies give a laugh or a moan. That's not much, but it's something.

So we should demand that we get some small token of appreciation for the hundreds of billions we're going to fork over because of the mismanagement, bumbling and outright theft that brought about the S&L scandal.

And that small token should be revenge. Vengeance is mine, sayeth the clobbered taxpayers. At least that's what this taxpayer sayeth.

Since the scandal began, we've heard all sorts of excuses. The sagging real estate market did it. Regulations did it. Deregulation did it. And it was nobody's fault.

Nobody's fault. That was the copout tossed at Congress this week by George Bush's son, who served on the board of a failed Colorado S&L. It was sort of like being hit by lightning, to hear him tell it. Of course, his S&L made goofy loans to some of his business associates. But what are friends for?

Nobody's fault? While Ronald Reagan napped and his administration opened the vault, the pin-stripe bandits rushed in and started stuffing their pockets. With mere strokes of their gold-tipped pens, they pulled off heists that made John Dillinger look like a hubcap thief.

So what are the federal lawmen doing about the biggest collective swindle in our history?

They're telling us that they would really like to track down all the thieves and bring them to justice, but they just don't have the manpower. They sigh and say there are so many suspected crooks, so much looting, so

many bad paper trails to pursue, but so few to pursue them.

If that's the case, then to heck with it—spend a few billion more and hire enough sleuths to do the job. At this point, what's an extra billion or two if it will provide us with the satisfaction of seeing the cell doors slam shut on a few thousand big-time looters?

After all, we pay a fortune to people who eyeball our tax returns so they can haul us before auditors who say: "Aha, you don't have a receipt for this TV set you gave to the Salvation Army? Pay, you rascal."

So why not spend what it takes to haul every S&L dipper into court? Maybe they won't all be convicted, but at least they'll sweat, develop ulcers and have to resign from their country clubs to pay their legal fees.

Hire the needed lawyers, the accountants, the paperwork bloodhounds who can sniff out the scams. Drag the hustle-bucks before grand juries. Let us hear them tearfully plead with a judge for mercy because they are good family men, never got a moving violation and have a character reference from a U.S. senator.

Remember, Jesse James took a bullet in the back. Dillinger was sprayed with so much lead that mining stocks jumped three points.

But in their entire careers, our two most legendary bank robbers didn't steal enough to furnish the offices of some of the S&L swindlers.

This is no time to skimp. I'll pick up my share of the tab, but in return I want to hear the sweet, satisfying sound of those ulcers popping.

[From the St. Petersburg Times, May 30, 1990]

WHERE DID ALL THE MONEY GO?

The administration now admits that 1,000 more savings and loans are likely to fail, pushing the bailout cost as high as \$130-billion. That's atop the \$65-billion committed in 1988. Add what it will cost to borrow the money, and the total expense to the taxpayers and the industry should exceed \$500-billion over 30 years. Even by Washington standards, that's big money. To put it in perspective, it's everyone's personal income taxes for an entire year.

Where did the money go? Often, it went to the buddies and business partners of the people running those savings and loans. Why worry whether they could pay it back? If worst came to worst, the government would cover the losses.

Among these private piggy banks was the Desperado—pardon us, Silverado—Banking, Savings and Loan Association of Denver, which became one of the \$1-billion failures. Silverado has attracted more than usual interest because one of the directors who failed in their duty to keep it solvent was Neil Bush, the president's son. He voted to approve a \$106-million loan, now in default, to a developer, William Walters, who had invested in Bush's oil business and whose own bank had lent \$1.5-million to the business. He proposed a \$900,000 line of credit—granted but never used—to another developer, Kenneth Good, who had also invested in the oil business and who earlier had lent Bush \$100,000 that he would not have to repay unless he made money on it. Bush's defense? The Silverado loans weren't improper because he didn't stand to profit from them; never mind that his business

partners and benefactor did. A distinction without a difference.

Many thousands of such back-scratching deals—along, of course, with many thousands of cases of deliberate criminality—went into the making of history's costliest taxpayer bailout. It adds grievous insult to grievous injury to hear participants such as Neil Bush insinuate that the taxpayers should simply pay up, forgive and forget.

"To fingerprint and look for crooks where there are none is not doing a service to this country because we are facing a humongous problem," he told the House Banking Committee last week. "I don't think every time there is a failure you have to fingerprint."

Whether there were in fact no crooks at Silverado is a question that remains to be answered. Given the government's lackluster efforts to turn up prosecutable fraud in the S&L industry, the full story of Silverado—like the full story of many other S&Ls that went belly-up—may never be known. House Democrats make a cogent point in urging President Bush to spend more money on the criminal aspect of the scandal.

Neither prosecution nor civil suits will ever recover most of the money that was lost. That fact hardly argues, however, against making an effort. If words such as responsibility, principle, example and deterrence mean anything more than alphabet soup, those like Neil Bush who failed (at best) in their responsibility to guard the money should be compelled to pay back as much as they can.

Or should the taxpayers have to pay it all?

[From the Miami Herald, June 1, 1990]

AMERICANS PAY THE PRICE FOR BAD LOANS

(By Robert L. Steinback)

The American business continuum, circa 1990.

At one extreme: people like Otis Boston.

At the other extreme: people like Kenneth Good.

And in between are the likes of Neil Bush. Bush, the president's son, testified before a congressional committee last week and offered this priceless commentary on the scandalous collapse of the American savings and loan industry:

"To finger-point and to look for crooks where there are none is not a service to this country." The only clearer statement would have been to tell us, the public, to suck eggs.

Neil Bush, then a cherubic 30, was named to the board of Denver's Silverado Savings and Loan in 1985. Three years later, insider dealing, fraud and Bozo lending practices buried Silverado, sticking taxpayers with a potential \$1 billion tab.

The bailout of Silverado and hundreds of mismanaged institutions like it will cost taxpayers up to a half trillion dollars—as much as \$2,000 for every woman, man and child in this country. And Neil Bush, sporting a canary-eating grin and a suit probably worth more than my car, says we're doing a disservice to America by looking for crooks.

Well, forgive this unpatriotic gesture, Neil, but I must point one finger in particular at people like you who can somehow conclude that Kenneth Good is a good credit risk, while Liberty City bar owner Otis Boston is not.

Good—described by a former associate as a "a riverboat gamble, not a businessman"—borrowed \$320 million to buy, among other things, the previously profitable Broward-based Gulfstream Land and Development Corp. in 1985.

About the same time, Boston, an MBA and 15-year Metro-Dade employee, was seeking a \$35,000 loan to buy a bar and package store. Despite a good credit history, Boston said his bank of 20 years, a bank with a big downtown headquarters building, wouldn't even send him an application.

Boston later got his loan from another big Florida bank with the help of a sympathetic loan officer, but Boston had to put up his store and his paid-up house as collateral. The loan officer was so sharply criticized by his bosses for such loans that he soon resigned in disgust.

Neil Bush once voted to approve \$100 million in loans from Silverado to Good, his buddy and business partner. But was Good a better risk than Boston?

Good, a real estate broker, borrowed money to build a hotel and office development in Dallas. The project fell apart before it broke ground.

Then he went to Denver, borrowed more money and acquired huge amounts of land hoping to cash in on the oil boom. But the boom busted, and the land was foreclosed.

Good then launched a hostile takeover of a Denver refinery company, with—of course—borrowed money. The deal died amid allegations that Good was buying inside information from a state official. Good beat the state ethics investigation that followed.

He was only warming up. Good moved to Florida and borrowed \$38 million to buy a tract of West Coast land called Tampa Palms. Then came the Gulfstream purchase.

Throughout it all, Good lived the fast life, zipping around the country in the corporate jet, rubbing shoulders with the political elite, wearing babes on his arms like cuff links.

Boston, meanwhile, was keeping his payments current, mindful of his loan's collateral. "I've been married 25 years, and I'm not going to have my lady worried about where she's going to lay her head," he said.

Good's leveraged empire finally imploded, crushed by debt. Institutions like Silverado failed, in part, for lending to such crashshooters. We're holding the bag, and the bums who bankrolled such recklessness are grinning in our faces and calling us un-American.

Good, having ruined a perfectly good company, parachuted to safety. He is planning to become a New York commodities broker. Heaven help his future clients.

Boston's Lounge and Package Store, 6285 NW Seventh Ave., is still in business.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I congratulate my friend, the distinguished senior Senator from Florida, for his excellent articulation of the important issue involved here. I am delighted to introduce today jointly with him and with the distinguished occupant of the chair, the Senator from Colorado, Senator WIRTH, a bill to address the inadequate level of prosecution of those who have committed fraud in the thrift industry.

Mr. President, I am pleased to welcome my colleague from Illinois, Senator SIMON, as an original cosponsor, and I am pleased to announce now that word has just come to me from our friend, the distinguished senior

Senator from Tennessee, the chairman of the Budget Committee, Senator SASSER, that he would like to join as an original cosponsor. I ask unanimous consent, Mr. President, that he be included as an original cosponsor.

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

Mr. DIXON. Mr. President, as you know, you and the Senator from Florida and I had filed this bill as an amendment to S. 1970, the omnibus crime bill, which the Senate has just been considering. I guess it is unclear whether we will proceed with the crime bill, so we are introducing this amendment as a freestanding bill in order to ensure its consideration.

We are facing the greatest financial scandal in the history of this Nation. I say again, it makes the Teapot Dome scandal and Watergate look like small potatoes. It is three or four times the size of the Marshall plan in its cost to the American people. The efforts to date to bring these crooks to justice—these crooks, Mr. President, who have cost American taxpayers billions and billions of dollars—have been wholly insufficient. I say enough is enough. If the administration is unwilling to do the job right, then the Congress must find a way to prompt additional prosecutions.

Let me cite just a few statistics. My friend from Florida has already cited many of them. They will make your blood boil.

As of February of this year, the Federal Bureau of Investigation had 21,147 referrals involving possible financial fraud which were unaddressed. Think of it. Mr. President, I was in Macomb, IL, the county seat of McDonough County in my State, last week doing a townhall meeting. When I said there were 21,147 referrals involving financial fraud before the Government, a fine old farmer in the audience in his bib overalls said, "My God, that is more people than there are in Macomb."

More than 1,000 of these cases involve over \$100,000—\$100,000—and 234 of these complaints involve losses of over a million dollars. It is absolutely outrageous that this many complaints involving this much money are not being investigated.

As of March of last year, just think of it, over a year ago, Mr. President, the Justice Department then had over 2,300 cases that were unaddressed and another 6,000 were awaiting action, and half of these 8,300 cases involved losses of over \$100,000.

Both the FBI and the U.S. attorneys offices around the country have requested more than twice the number of agents or prosecutors that have been allocated. I think that speaks eloquently of the recognition of the need, by the FBI and U.S. attorneys offices, of this legislation.

Two tools are needed to prosecute these criminals: An efficient structure and sufficient resources. This bill improves the structure and provides for greater accountability. This is a structure bill that will help Congress monitor what additional resources are needed.

(Mr. GRAHAM assumed the Chair.)

Mr. DIXON. We know today that insufficient resources have been allocated. I renew my call again, along with my friend from Colorado, who will shortly speak, to increase appropriations for thrift prosecutions. My friend in the chair said he was going to put in a column by Mike Royko, the distinguished columnist from the Chicago Tribune. We have put in two of those columns now. Mike Royko understands the thinking process of the people. He said that if we are talking about \$150 billion in this scandal, the people of this country are more than happy to spend another \$100 million to put the people in jail that are responsible for that scandal.

This strike force bill would establish a separate division and special local strike forces all over America within the Department of Justice to prosecute these financial crimes. Such a special division with local field offices is absolutely necessary for efficiency and accountability.

These fraud cases are intricate and complex. They require special investigative and prosecutorial skills. Having a specialized strike force would facilitate specialized training.

Second, a new Assistant Attorney General for Financial Services Crimes would head this division. He or she would be accountable for spearheading prosecution of these fraud cases. We would know to whom to point, Mr. President, and of whom to ask questions with regard to the Justice Department's efforts. We would know who is in charge.

This bill tells the Justice Department explicitly that the Congress wants it to maximize recoveries of losses. This bill will also cause the RTC and other agencies involved in civil litigation to coordinate with those involved in criminal prosecutions. Both are important to penalize wrongdoers and to recover their ill-gotten gains.

And fifth, the bill requires the strike force and the different agencies including the U.S. attorneys all over the country to report twice a year to the Congress on their progress. Forcing different offices to tell us how many cases they are investigating, how many they are prosecuting, how much money they are recovering, will let Congress know whether these cases are being addressed or left languishing because they are difficult to try, and whether adequate resources have been allocated.

Many government attorneys would prefer, of course, to prosecute cut and dried drug cases than to take on these terribly complicated, time consuming thrift prosecutions. By setting up a strike force, Mr. President, we can assure that these cases will be investigated and prosecuted. Specific people in the Justice Department are going to be accountable to us and to the public.

As a final point, I want to add that separately, with Senator WIRTH, I have been attempting to increase the appropriations given to the Department of Justice for hiring sufficient numbers of FBI agents and assistant U.S. attorneys. We filed an amendment to the crime bill in the form of a resolution which would call for full funding, and we are going to pursue that goal assiduously as well.

In conclusion, Mr. President, the American public has a right to arrive at the solution of this problem: First, with this bill to set up the kind of internal organization to do the job, and second, with the efforts of the Senator from Colorado and the Senator in the chair from Florida and this Senator and others to appropriate the additional extra money.

I want to conclude by saying that last month, Mr. President, I held a press conference in Chicago. I held it in an empty Federal courtroom in the Dirksen Federal Office Building. I went to the front of that room—and I want to say this for America generally—and I said to the people there and to the media that covered that event, this courtroom ought to be full. There ought to be a Federal judge sitting right there; there ought to be a Federal prosecutor sitting right there; there ought to be a Federal jury sitting in the box trying these cases, sending the criminals to jail—21,147 suspected cases, greater than the size of Macomb, the county seat of McDonough County, out there. They ought to go to jail.

Under the reasonably prudent man rule, all of those folks with deep pockets and some money to respond, they ought to be sued. We ought to recover that money before the taxpayers pay. We ought to take their houses and their automobiles and their yachts and their clubs in the country. That is the challenge before us, and we ought not to let one, single, solitary stone or itsy bitsy pebble go unturned until this job is done. I want the jails of America full of these thieves. I want every rich guy out there who stole money to give it back.

That is the job we need to do, and we need this bill. We need the necessary money to do that job. I expect—and I serve notice on my colleagues here—that the Senator in the chair, the distinguished Senator from Florida, the Senator who will next speak, the distinguished Senator from Colorado, and others along with this Sena-

tor, are going to continue to make this the issue of this Congress until such time as final actions take place that will bring these folks to the bar of justice and recover these funds. I urge my colleagues in time to support this legislation at the first opportunity.

Mr. WIRTH. Mr. President, let me read a letter that I received only today from a distinguished attorney in Chicago. I would like to bring this to the attention in particular of Senator Dixon, who just spoke. He wrote to me, with a copy to the distinguished senior Senator from Illinois. He said:

When the United States Congress passed the Financial Institutions Reform, Recovery and Enforcement Act of 1989, it made a statement that criminal activity involving financial institutions would not be tolerated.

And that is what all of us members of the Banking Committee thought was going to happen; it would not be tolerated.

While the act has received widespread publicity, mainly due to the takeover of troubled financial institutions, it does not appear that the good intentions have filtered down into action at the local level.

If there was ever an understatement, that is one. This attorney goes on to say.

I believe that a powerful deterrent to financial institution crime is swift prosecution of offenders and publication of the results. I am currently involved in a number of matters where various of my financial institution clients have been the victims of a white collar crime and the prosecution of the case appears to be going no place. None of the crimes which I am following will have any effect on the stability of the victimized institutions. There is a strong and dangerous message sent to the business community when employees watch fellow workers steal from an institution with no apparent criminal consequences.

What kind of a precedent are we setting, Mr. President, if this administration continues to not go after people who have violated the law. As the distinguished senior Senator from Illinois just said, if they do not do it, we are going to continue to do it. We tried 3 weeks ago when we had before us the supposed dire emergency supplemental appropriations bill. That legislation included a vast amount of money for Panama and a vast amount of money for Nicaragua. Among the Panamanian share of the funds was \$30 million to promote tourism.

It seemed to me, and to the distinguished senior Senator from Illinois and other Senators, that promotion of tourism in Panama for \$30 million was not a particularly good allocation of the taxpayers' money, particularly when that is twice as much as we spend to promote tourism over the whole of the United States of America. So we offered an amendment to transfer that \$30 million to promote tourism over to the Department of Justice to enforce the law and catch the crooks.

What did people want to do? Did they want to promote tourism in Panama or to catch crooks involved in the S&L crisis?

Well, some of our colleagues across the aisle raised a point of order against the amendment. We voted on that point of order and, unfortunately, we lost. We are going to continue to try. This is another effort, and it is imperative that we continue.

I want to applaud the distinguished senior Senator from Florida, and the distinguished senior Senator from Illinois; we are going to continue to try to get this administration to enforce the law.

Is this important? Are there criminal activities? You bet there are. The Attorney General himself said, Attorney General Thornburgh, that 25 to 30 percent of the failures in the S&L institutions can be attributed to criminal activity—25 to 30 percent attributed to criminal activity. The Attorney General said there is "an epidemic of fraud."

The General Accounting Office gave us some other numbers. They examined in great detail 26 thrift failures and found fraud and insider abuse in each one of them. The RTC looked at all of this and said 60 percent of the institutions seized, 60 percent of those that went belly up, were victimized by serious criminal activity.

Other data on this: not only is this caseload enormous, but Mr. Timothy Ryan, the new director of the Office of Thrift Supervision who very graciously came by and saw many of us after the vote on his nomination, informed me that bank and thrift regulators were sending to the Department of Justice 8,000 referrals each month regarding civil and criminal violations.

How fast does 8,000 a month add up? Pretty darned fast. There are now 80,000 cases pending—80,000, Mr. President. This was just told to me by Mr. Ryan.

Those numbers are absolutely astonishing and cannot be ignored. Yet, it seems to me, that they are being ignored.

What we attempted to do was to say to the administration, let us enforce the law. We authorized, for example, \$75 million to do the job. The administration said we cannot spend all of that money.

What does that mean—we cannot spend all of that money? It means they are not listening to their own people. The FBI and U.S. attorneys' offices requested 224 more FBI agents, 113 more assistant U.S. attorney positions, and 142 more support staff positions than they received. This is what the FBI tells us over here, but the administration tells us we cannot spend the money.

We cannot spend the money, says the administration. We are going to continue to try. We are going to continue to try to get this administration

to enforce the law, and to go after the criminals.

They are all over the place out there. The Attorney General tells us there is an epidemic of fraud. The RTC tells us 60 percent of the institutions are victimized by serious criminal activity. Timothy Ryan tells us there is a backlog of 80,000 cases. Yet the administration says we cannot spend the money. We have an obligation to get them to spend the money and to pursue these cases. It is absolutely preposterous that they not do so.

The whole purpose of this proposal, which I think is a very good piece of legislation, is to say not only are we going to enforce the law but we are going to get all of these experts together, the attorneys, the accountants, all the expertise needed to pursue these 80,000 cases, put these people in jail where they belong, and let the American taxpayer know that the job is being done. The American taxpayer is out there saying it is going to cost us at least a thousand dollars per person. What are you all doing about it? They are going to ask everybody in this body. What are you doing about it? What are we going to say—we cannot spend the money?

The FBI wants us to put on more FBI agents and more U.S. attorneys and more support personnel. Are we going to say we cannot spend the money? Are we going to listen to the administration or do the right thing? I hope we do the right thing. There is a little bit of *déjà vu*.

Let me run you through another example. When we went through the mad rush to deregulation in the early eighties, which occurred all over the place when the Reagan administration came to town and felt they had a mandate to deregulate everything. One of the things they did was to deregulate the thrift industry. The thrift industry was deregulated with what are obviously disastrous results.

They came in, tried also in 1982 to deregulate the securities industry. They came up to us. I at that point had the privilege of chairing the securities subcommittee in the House side, Mr. President. They came up to us and they said what we want to do is change the regulatory pattern of the Securities and Exchange Commission as well. What we want to do is cut the budget at the SEC because "We can do more with less." This was part of the mad rush to the bottom.

What happened on one side is that S&L deregulation got through the Congress. Fortunately, I thought, that sounds like a bad idea. I voted against that number. But it did get through the Congress. But the other side did not, Mr. President, the Securities and Exchange Commission effort to deregulate did not succeed. The Congress in its wisdom said to the adminis-

tration no, we are not going to deregulate the securities industry.

We said no to the securities industry. Rather than deregulating the securities industry, in fact we beefed up regulation of the securities industry. We added significant funding and staff to the SEC. We gave them greater enforcement powers. We made them the kind of strong regulatory agency that should have been governing the S&L's.

Imagine where we would be today if the administration's request to deregulate the securities industry had gone through. The Congress in its wisdom said "No."

What are we going to do about this? We are going to continue to try. This rescue effort we are involved with—the distinguished Senator from Illinois cited the cost of the Marshall plan. This is greater than the Marshall plan—and Lockheed, and New York City, and Chrysler all bundled together.

What do we get for it? We are not getting anything more for it except repaying a lot of depositors which we have an obligation to do. We are not getting anything back for it. We are not building any automobiles like Chrysler, or aircraft like Lockheed, or supporting a great financial center like New York City, or rebuilding Europe like the Marshall plan. We are getting nothing back for this. At least what we ought to do is get people going to jail where they belong. We have to make sure that this administration gets the message that it is imperative to go out and start enforcing the law, and stop telling us as they did that they "cannot spend the money."

They have to hire the attorneys. They have to organize themselves into the kind of strike force recommended in this legislation.

I am proud to be a sponsor of this legislation, Mr. President. I will later on be offering a resolution calling upon the administration to request the full complement of funds to go ahead and hire the FBI agents, hire the accountants, and do the job that has to be done. I hope we do not have a point of order raised on that. I hope not. I hope our colleagues will understand the importance of going ahead, and moving on that kind of a resolution.

Mr. President, I ask unanimous consent as well that Senator BRYAN, Senator PELL, Senator RIEGLE, and Senator LEVIN be added as cosponsors of the legislation.

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

Mr. WIRTH. Mr. President, there is no single culprit responsible for the widespread losses experienced by sav- ings and loans. Instead, the causes of the crisis are complex and varied. Deregulation of the industry, coupled

with weak or nonexistent supervision of federally insured S&L's was a major contributor to the losses. Other important factors include downturns in local and regional economies, and the significant increase in interest rates that occurred in the late 1970's and early 1980's.

But there is no question that fraud and insider abuse by S&L owners and management also contributed significantly to the problem we now face. Attorney General Richard Thornburgh recently spoke of an "epidemic of fraud" in the S&L industry and said that at least 25 to 30 percent of thrift failures can be attributed to criminal activity by S&L officers. Criminal activity played a lesser role in many more thrift failures and a General Accounting Office study examined 26 thrift failures and found activities at each insolvent institution that appeared to be fraud and insider abuse. In its work thus far, the Resolution Trust Corporation has estimated that 60 percent of the institutions it has seized have been victimized by serious criminal activity.

The FBI has received more than 20,000 referrals involving fraud in the financial services industry that the Bureau has been unable to examine, more than 1,000 of these are major cases that involve losses of more than \$100,000. As of February, the Bureau also had about 7,000 active pending bank fraud and embezzlement cases, some 3,000 of which were major. More than 900 of the pending cases and more than 200 of the unaddressed referrals involve losses greater than \$1 million.

Clearly the Department of Justice faces a large caseload and it is growing rapidly. Mr. Timothy Ryan, the new Director of the Office of Thrift Supervision, recently informed me that bank and thrift regulators were sending the Department of Justice 8,000 referrals per month regarding civil and criminal violations and that there were now 80,000 cases pending. These numbers are astounding and cannot be ignored.

Last year the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] authorized \$75 million annually for 3 years to investigate and prosecute financial institution crimes. However, the administration requested only \$50 million for the current fiscal year.

The \$50 million provided for fiscal year 1990 was used to increase staff in FBI and U.S. attorneys' offices throughout the country. Unfortunately, the funding was inadequate. The personnel added with the \$50 million do not meet the staffing needs identified in a recent FBI survey. In this survey, FBI and U.S. attorneys' offices requested 224 more FBI agents, 113 more assistant U.S. attorney positions, and 142 more support staff positions than the agencies received.

Several weeks ago I offered an amendment to the emergency appropriations legislation to provide additional resources for the Department of Justice in order to investigate and prosecute fraud and other criminal activity in the S&L industry. The amendment would have taken \$30 million from Panama tourism development funding to provide an additional \$19.1 million for staff and expenses at the FBI and U.S. attorneys' offices. Unfortunately, the amendment fell on a budget point of order.

I am more convinced than ever that we need to provide our law enforcement agencies with additional resources to investigate and prosecute criminal activity in the S&L industry that contributed to taxpayer losses. I will continue to pursue this goal and urge my colleagues to join me in this important effort.

Today, along with my colleagues Senators DIXON and GRAHAM, I am offering another proposal to support S&L-related enforcement efforts. This legislation calls for the creation of a Financial Services Crime Division within the Department of Justice.

This proposal would complement any additional resources we provide to the Department of Justice and represents an important first step. The Financial Services Crime Division will coordinate investigations and prosecutions within the Department of Justice. The division will be responsible solely for financial services crimes and will help focus the Government's efforts in this area. The division, and its leadership at the Assistant Attorney General level, will not have to divert its attention to other types of criminal activity.

The Financial Services Crime Division will work to ensure that adequate resources are made available to investigate and prosecute fraud and other criminal activities in the financial services industry. The division is also directed to seek the greatest use of civil proceedings and forfeitures to attack the financial resources of those who engaged in financial institution crimes and help the taxpayers recover as much of the losses as possible.

Under the proposal, the Attorney General is also directed to establish financial services crime strike forces to pursue criminal activity within the industry. Like the existing Dallas bank fraud task force, these strike forces would be able to focus on crimes within regions where the problems are particularly severe and where a concentrated effort can produce significant results.

In order to efficiently obtain needed information and support, the Financial Services Crime Division is directed to coordinate its activities with appropriate representatives of the Department of Justice, the Resolution Trust Corporation, the Federal Deposit In-

surance Corporation, the Office of Thrift Supervision, the Office of the Comptroller of the Currency, the Federal Reserve Board, and the Securities and Exchange Commission. Referrals from these agencies will be an important starting point for many investigations and prosecutions. The division may also wish to make use of the information and expertise that these agencies can provide.

Finally, the division will compile and collect data regarding investigations, prosecutions and enforcement actions related to the financial services industry. Semiannual reports would include an analysis of such data, the division's coordination activities with other agencies and the adequacy of the resources provided to pursue financial services crimes.

The savings and loan debacle is the largest financial crisis in the Nation's history. Illegal activity was widespread within the thrift industry and will cost taxpayers billions of dollars. Taxpayers rightfully expect the Federal Government to vigorously pursue individuals whose illegal activities contributed to the industry's losses. If we are serious about sending a message of never again to those involved in the financial industry, we must aggressively investigate and prosecute criminal activity related to the S&L crisis. We cannot let those in the financial services industry believe the Government will cover any loss—no matter how big—and then let the perpetrators go unpunished.

A Financial Services Crime Division will help us pursue criminal activity in the S&L industry more aggressively and efficiently. It would also help monitor and track progress in this area and give the effort a higher public profile, sending a clear message to the industry that those who violate the law and endanger the deposit insurance fund will be punished.

Mr. President, this is an important and valuable piece of legislation. The proposal will help us fulfill the commitment we made to the American people in FIRREA to target and prosecute criminal activity within the S&L industry. The American taxpayers deserve nothing less.

I urge my colleagues to join in supporting the legislation.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, first of all I would say I did not have the opportunity to hear all of the debate of my colleagues on the other side, at least indicating they have never heard of the S&L problem until recently. I think the record will reflect that some were around when it happened. But in any event we will address that later. I think my colleague from Missouri may have something to say on that.

Mr. KERRY. Mr. President, I am pleased to join Senators GRAHAM, WIRTH, and DIXON as an original cosponsor of legislation to establish a Financial Services Crime Division.

The Federal Bureau of Investigation defines financial crimes "as those schemes to defraud, embezzle, or misapply the money, funds, securities, or credit of individuals businesses, and/or financial institutions by manipulation, misrepresentation, falsification or deceit." Crimes that fall under this definition include savings and loan fraud and embezzlement, drug money laundering, bank bribery, tax evasion, wire fraud, bankruptcy fraud, interstate transportation of stolen property—securities and negotiable instruments—counterfeit State and corporate securities, copyright matters, trademark counterfeiting, and computer fraud and abuse.

It should come as not surprise that financial crime is on the rise in this country. However, I have been extremely concerned in recent months that the administration, despite its rhetoric, is not adequately focused on this issue. I am concerned that we have not committed the resources. I am concerned that we don't have the necessary law enforcement framework in place to investigate and to prosecute these crimes.

I am concerned, for example, that the Treasury Department is not devoting the necessary resources to the recently established Financial Crimes Enforcement Network. [FINCEN] is a multisource, antimoney laundering intelligence, analysis and targeting center. Yet, that agency will have only \$15 million to provide broad-based data analysis to support money laundering and other criminal investigations including tax fraud.

I am also concerned that the Justice Department is being swamped by bank fraud and embezzlement cases. Consider that in those cases in which the loss to the institution exceeds \$100,000 have risen from a pending caseload of 1,825 at the end of 1983 to 3,446 at the end of 1988. This represents an 89 percent increase over that 5-year period.

I am particularly concerned that the Justice Department is not devoting the necessary resources to prosecute thrift fraud cases. William Seidman, chairman of the Resolution Trust Corporation, which oversees the Savings and Loan bailout, recently said that criminal fraud had been discovered in 605 of the institutions seized by the Government to date. And Attorney General Dick Thornburgh recently said that he believes fraud had caused as many as 30 percent of the thrifts to fail. The problem is massive.

However, as I pointed out in an editorial in the New York Times last Friday, the Assistant Attorney General, Edward Dennis testified before the Subcommittee on Narcotics and Ter-

rorism that resources for fraud investigations were stretched thin. I cannot understand why the Justice Department has only requested \$50 million to prosecute these cases, even through Congress has appropriated \$75 million.

Mr. President, this bill will create a new division within the Department of Justice to be headed by an Assistant Attorney General, appointed by the President with the advice and consent of the Senate. This Assistant Attorney General will report directly to the Attorney General. More importantly, the new Assistant Attorney General will ensure that adequate resources are made available in connection with criminal investigations and fraud and other criminal activity in the financial services industry.

Mr. President, financial crimes are perhaps the most important segment of white-collar crime, and it is responsible for the loss of billions of dollars every year to government, businesses and taxpayers. With this bill we will take an important step to put white-collar criminals on notice that they are nothing more than common criminals and that the Government is serious about putting them in jail where they belong.

Mr. MITCHELL. 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.

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—VETO

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

The following message from the House of Representatives was communicated to the Senate by Mr. Hays, one of its reading clerks:

The House of Representatives having proceeded to reconsider the bill (H.R. 2364) entitled "An Act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. MITCHELL. 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. BOND. 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. BOND. Mr. President, I ask that I may speak for approximately 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TO ESTABLISH A FINANCIAL SERVICES CRIME DIVISION IN THE DEPARTMENT OF JUSTICE

Mr. BOND. Mr. President, I rise to address a subject which has been under discussion here over the past few minutes, and I regret that I was not here today to listen to all of it. Since it is a measure about which I have had a great deal of interest and activity, I wanted to share some thoughts with my colleagues. In specific, the efforts of the Department of Justice to pursue criminal sanctions against those who have defrauded or misappropriated funds from the savings and loan industry.

As my banking colleagues will remember, I have, since my service on the Banking Committee, been one who has strongly pointed out the need for effective law enforcement to cure one part of this disaster to serve as an example for those who might be tempted to conduct such depredations in the future.

In 1989 in discussing FIRREA, I said that financial fraud is not a victimless white-collar crime, and that we cannot in good conscience accept burdens this bill puts on taxpayers, without actively pursuing every crook who stole from FSLIC, without the maximum criminal penalties and maximum recovery of ill-gotten gains, and without sending a strong signal that we want penalties which are tough and administered with strength against any fraud. Without these we will not have achieved our goals in the legislation.

I led the discussion and with my colleagues on the Banking Committee included tough penalties in our version of FIRREA. I was concerned with some of the reports I had heard about the conversations, and I may want to address specific provisions later on.

I think we ought to be pursuing, in a bipartisan manner, the problems which have come of this S&L crisis. When you have an \$80 billion to \$130 billion to a \$300 billion problem, it takes a lot of teamwork to run up a debt like that.

I do not think it is our purpose here to say what the shortcomings were, whether they were regulatory shortcomings, administrative shortcomings, legislative shortcomings or interference, or abuses at the State level or within the industry. There will be plenty of time to discuss those concerns.

What I think is important to note that in FIRREA, we rescued depositors. Let us be clear when we are talking about the moneys involved, we are talking about the money that has to be paid out to protect the depositors, and in my State there are some 250,000 to 280,000 accounts that have been protected as a result of FIRREA.

Thus we must remember, we are not putting money into the pockets of owners of savings and loans. We are bailing out the depositors to make sure that we have been true to our commitments under the insured deposit system. Unfortunately, some continue to claim it is just owners. But the implications that we did that are wrong.

What we did was to change the system so in the future there would be tougher standards. And I think the most important thing that we overlooked in the past was to ensure that the owners of S&L's, the people who are the shareholders, put their money in at risk first so that money could not be taken out of the savings and loans without first coming out of the equity of the shareholders. That was done. Tougher capital standards were required in FIRREA. I believe when people have their own money at risk they will be the best and most effective watchdogs. Certainly it ought to come out of their pockets before it comes out of insured deposits.

In addition, a measure was adopted to provide additional resources for the Department of Justice to pursue criminal cases against those who had abused the deposit insurance system to put money in their own pockets. Last spring also I wrote to the Attorney General urging him to appoint a special S&L fraud czar. At the time he said he felt that the organizational mechanics were adequate. Since that time the Congress has acted. We did provide \$50 million. That is a lot of money.

There is a great need to ensure that we move against those who have defrauded the system, stolen from institutions, and caused a burden which this Government is going to take some time to payoff. We did provide \$50 million, and last week I asked the Attorney General when he met with us at lunch how they had used that money. He pointed out one thing that is significant to note and that is that they did not get the money until December.

That obviously will take some time to organize. When you have \$50 million, you cannot spend it all at once. You have to hire people, you have to hire FBI agents, you have to hire Assistant Attorneys General. The Attorney General reported to me that they had with the dollars available hired some 200 additional FBI agents to put on the case. They had hired an additional 120 assistant U.S. attorneys to pursue financial fraud.

I think it is very important that the criminal and the civil proceedings be coordinated because we have in the Banking Committee heard evidence where the pursuit of civil remedies has interfered with the criminal cases and perhaps vice versa.

But the Attorney General did make the point that even before the additional dollars reached the coffers of the Department of Justice in fiscal year 1989 there were over 2,000 bank fraud and embezzlement convictions that included restitution orders of over \$360 million.

In addition, there have been some significant criminal prosecutions with one executive of a Texas S&L, which has been in the papers because of some of his contacts here on Capitol Hill, getting a 30-year sentence.

I am not satisfied. I want to make sure that we are doing as good a job as possible with the dollars that are available. So on May 25 of this year I wrote to our chairman, Senator RIEGLE, and our ranking Republican Member, Senator GARN, to ask that they have oversight hearings.

In that letter I said I believe the Banking Committee ought to "explore whether the additional funding appropriated for the Department of Justice to carry out these prosecutions is sufficient and whether any further legislative changes are necessary to make the Justice Department's job easier."

In that letter I also said, "Congress must be an equal partner in these investigations, providing every necessary resource to ensure full prosecution, punishment, and restriction."

The PRESIDING OFFICER (Mr. LIEBERMAN). The time allocated to the Senator from Missouri has expired.

Mr. BOND. Mr. President, I will conclude in 30 seconds.

I have been advised informally that hearings will be held in late July. I assure my colleague on the other side of the aisle we are prepared to work with you in a bipartisan manner to assist the Department of Justice to carry out the prosecutions. I think we can do so in a constructive manner. I strongly resist any urges to make this a partisan matter because it is too important for the well-being of the country and future of financial institutions.

I thank the Chair and the majority leader for the time.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. What is the regular business?

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—VETO

The Senate continued with the consideration of the message from the House.

The PRESIDING OFFICER. Under the regular order, the Chair now lays before the Senate the Presidential veto message on H.R. 2364, the Amtrak reauthorization bill, which the clerk will now read, and it will be spread upon the Journal.

The assistant legislative clerk read as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2364, the "Amtrak Reauthorization and Improvement Act of 1990."

H.R. 2364 contains an unprecedented new regulatory review requirement and represents a step backward for the entire rail industry.

This new regulatory burden would interfere with the ability of the Nation's largest freight railroads to obtain needed capital or to change existing capital structure. The provision would institute for the first time, and for the railroad industry alone, Government review and approval of acquisitions by entities that are not actual or potential competitors, including a carrier's own management or employees. This requirement is an unwarranted regulatory roadblock to financial restructuring of the railroad industry.

There is already adequate authority to protect the public interest in acquisition situations. Acquisitions of railroads by other railroads are now closely scrutinized under existing law to prevent reductions in competition. Dispositions of rail line segments are also subject to scrutiny when appropriate. Any financing of an acquisition, whether or not by another carrier, that involves the issuance of securities or new obligations by the target carrier is subject to review as well. This review focuses on the acquisition's effect on the public interest and on the carrier's ability to provide service. Current law is therefore more than sufficient to protect shippers and the general public.

The rejuvenation of the rail industry since 1980 is due in large part to the Congress's decision to lift outdated and counterproductive Government oversight from the railroads. The result was the creation of a favorable environment for capital investment for the first time in decades. The new regulatory hurdle in H.R. 2364 would counter this progress by adding uncertainty to refinancing and by delaying the infusion of cash when it may be most needed. Further, this delay and uncertainty would likely drive up the railroad industry's cost of capital, which could ultimately jeopardize the industry's financial stability and endanger needed rail service. For no justifiable reason, the bill could inhibit the future flexibility of Class I freight railroads to use capital restructuring to adapt to ever-changing markets and economic circumstances.

Existing law is adequate to ensure protection of the public interest when railroad acquisitions are being proposed. Because H.R. 2364 would impose a new, unprecedented, and unjustified regulatory review requirement for railroad acquisitions, I am compelled to veto the bill.

GEORGE BUSH.

THE WHITE HOUSE, May 24, 1990.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON].

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

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

ESTABLISHING A FINANCIAL SERVICES CRIME DIVISION IN THE DEPARTMENT OF JUSTICE

Mr. SIMON. Mr. President, I simply join and commend my colleague from Florida, Senator GRAHAM, for the bill he has introduced, of which I am pleased to be a cosponsor, that calls for more vigorous prosecution of the savings and loan situation. Senator GRAHAM, Senator WIRTH of Colorado, and my colleague, Senator DIXON of Illinois have been in the forefront of this, and I commend all of them for what they are doing.

The reality is that we have to be more vigorous. Two weeks ago the Attorney General was before our Judiciary Committee and my colleagues on the Judiciary Committee will recall that I pressed him for further action in this field.

There is an obvious imbalance in justice when someone steals \$30 at a local service station and we go after that person vigorously, as we should, but if you steal \$30 million we may not go after you. That just does not make sense. The American people are gradually understanding the massive injustice that is here. It is, as has been said on this floor here a couple times within the last hour, the largest financial scandal in the history of our country by far, and we have to do something about it.

Let me add one other point. This bill does not take care of this, but I hope my colleagues on the Banking Committee will take a look at this. This is the only form of insurance, the insurance that we have on savings and loans and banks and credit unions, where the extent of the risk is not reflected in the insurance rates. If, for example, I get a life insurance policy, I am 61 years old, and the Senator from Florida gets a life insurance policy, and he is infinitely younger than I am, obviously he will pay much less in life insurance. When my son turned 16, I can remember what happened to our car insurance, because the risk is greater. In every other form of insurance the greater the risk, the greater the payment. But for banks, savings and loans, and credit unions we say we are just going to charge you the same rate for insurance no matter what risk you take.

I think we ought to have a category A, where if you have prudent policies, we are going to charge you so much; if you have less prudent policies you are

going to be in category B, and we will charge you greater; and if it goes beyond that you fall in category C, and you are going to really have to pay some high insurance rates.

There is no reason that we force imprudent bankers, savings and loan people, and credit union people to pay the same rate as those who are imprudent. I think we have to reexamine that portion of our Federal insurance laws.

But again, Mr. President, I commend my colleagues for their leadership on this. I am pleased to be a cosponsor. I hope we can start moving much more vigorously.

I would add one other point. I saw this in a letter to the editor from a professor whose name I do not recall at Georgia State University, and I heard this from a distinguished lawyer who is one of these people who is very innovative and creative from New York, Dr. Harvey Waxman, the only person I know who is both a neurosurgeon and a trial attorney. He has suggested that where we do not have the personnel—and this professor from Georgia State suggested the same—that, on some kind of a clearance basis, we would simply pass out these prosecutions to private attorneys with some requirements on confidentiality and everything, where they would get a percentage of the return for any fines that are levied so that we could get the job done.

Frankly, I do not know how practical that is, but I think it is something that ought to be examined. There has to be a way to pursue these abuses more vigorously than we are now pursuing them.

Mr. President, I am pleased to join my colleagues, Senators GRAHAM, DIXON, and WIRTH in sponsoring this critical legislation to create a strike force of Federal attorneys to prosecute savings and loan officers responsible for fraud and embezzlement cases.

This legislation establishes within the Department of Justice a new Financial Services Crime Division. Mr. President, we have a law enforcement crisis on our hands. This legislation sends the strongest possible message from Congress to the President, to the savings and loan industry, and to the American people. Investigation and prosecution of financial services fraud must be a top priority.

This legislation adds an 11th Assistant Attorney General to the Department of Justice to focus solely on financial services fraud. It gives the prevention and prosecution of this type of fraud the same high level of attention we place on antitrust, civil rights, tax, crime, and other matters. Under our legislation, this Assistant Attorney General reports directly to the Attorney General.

The resources this legislation puts behind prosecuting savings and loan

fraud are amply justified. The FBI recently reported that it has 2,327 inactive cases involving savings and loan fraud and embezzlement cases. Of that number, 1,300 involved fraud of more than \$100,000. The American people want that wrongdoing prosecuted to the fullest extent of the law. This legislation unleashes the Federal law enforcers on those individuals directly responsible for the still growing S&L crisis.

Mr. President, this is just the first step. More needs to be done at all levels to root out S&L crime and keep it from becoming an even greater economic disaster for the Nation. As a member of the Senate Judiciary Committee, I want to work closely with my colleague from Illinois and other senators in enacting this bill and other measures that I am working on to turn this situation around and to restore the faith of the American people in their financial and other institutions.

Mr. President, I see that the distinguished junior Senator from South Carolina—and I have a hard time believing he is still the junior Senator from South Carolina, but that is what he is—is on the floor, about to ask for the floor. So I will yield to him.

Mr. HOLLINGS. I thank my distinguished colleague from Illinois.

VITIATION OF ORDER TO RECESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order to go into recess at this time be vitiated.

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

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—VETO

The Senate continued with the consideration of the message from the House.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the clerk lay before the Senate the veto override message of the distinguished President on H.R. 2364.

The PRESIDING OFFICER. The Chair advises the Senator from South Carolina that when he was off the floor the veto message was laid before the Senate and is now the pending business.

Mr. HOLLINGS. Mr. President, I want to urge my colleagues to join in voting to override the President's veto. Right to the heart of the matter, the President really expresses a concern about the Interstate Commerce Commission and a provision therein relative to that Commission which he has asserted is reregulatory.

Well, I can say categorically that is not the case when this provision is viewed in the context of the regula-

tion that currently exists for the real industry. The provision at issue today simply closes a loophole that exists in current law. The ICC currently has authority to review the acquisition of as little as 1 mile of a rail carrier by a nonrail carrier, but does not have any authority to consider the public interest if a noncarrier proposes to acquire an entire class I rail carrier.

This anomaly cannot be justified.

Mr. President, I am still not sure why the President chose to veto this measure. It is a good bill with strong support in both Houses. Earlier today, the House of Representatives voted 294-123 to override the President's veto.

The President, in his veto message, did not mention Amtrak at all. I am still skeptical that this is directly related to the fact that his fiscal year 1991 budget contained no funding for Amtrak. While the President has recently indicated that he would sign an Amtrak bill without the ICC provision, it is abundantly clear that getting another bill through this Congress is not as clear a prospect as some might have us believe. Just yesterday, I received a letter from the chairman of the House Energy and Commerce Committee, outlining the obstacles a new authorization bill faces—not the least of which is that the bill would likely be referred at some point to four committees in the House, whereas it was considered originally by only two.

A vote to sustain the President's veto could well move us toward the near-term elimination of Federal funding for Amtrak, as the President's budget has proposed. This would mean the end of nationwide passenger rail service. I know the citizens of my home State of South Carolina do not want to lose rail passenger service and I am certain most Americans nationwide would not want to lose this transportation alternative.

A vote to sustain the veto further ignores the considerable progress made by Amtrak in recent years. Appropriations for Amtrak have decreased from almost \$900 million in 1981 to \$613 million this fiscal year. Amtrak now meets 75 percent of its operating costs from its own resources.

Much concern has been raised about an Interstate Commerce Commission [ICC] jurisdiction provision in this legislation. The President has expressed the belief that this provision is reregulatory. That is clearly not the case when this provision is viewed in the context of the regulation that currently exists for the rail industry. And I feel confident in saying this since I was a critical vote in opposition to legislation in the last Congress that would have moved us back toward regulation. The provision at issue today simply closes a loophole that exists in current law. The ICC currently has authority to review the acquisition of

as little as 1 mile of a rail carrier by a noncarrier, but does not have any authority to consider the public interest if a noncarrier proposes to acquire an entire class I rail carrier. This anomaly cannot be justified. Neither is there a logical reason to tie the hands of the ICC by requiring it to wait until after a sale has been consummated prior to attempting to recognize the legitimate public interest in preservation of service or line maintenance.

The Department of Transportation has taken the position that the Senate Commerce Committee hearing on noncarrier acquisitions developed no evidence that regulation was needed in this area. This overlooks the testimony on the record in support of legislation, including testimony from State officials whose citizens and economic development abilities would be the hardest hit by the failure of a carrier. Furthermore, the Department of Transportation declined the opportunity to testify before our committee on this issue. The Association of American Railroads similarly declined to testify and furthermore, has not taken a position on this provision.

Contrary to what some have asserted, the ICC did not take a position on the legislation when submitting testimony for the Senate hearing, although several suggestions by the ICC for improving the legislation were incorporated into the Amtrak bill. Former ICC Chairman Heather Gradi-son simply expressed her individual opposition to the enactment of legislation. This is in contrast with the current Chairman of the ICC, Ed Philbin, who, while not taking a position on legislation, has expressed the view that:

It is understandable that the Congress would be concerned about railroad acquisitions by any entity, carrier or noncarrier, the financial structure of which cast into doubt the acquired railroad's future ability to continue adequate rail service and obtain capital to invest in equipment maintenance and modernization. In short, its ability to continue as a viable operating railroad.

The ICC jurisdiction provisions in H.R. 2364 are not designed to supplant private decisionmaking in rail acquisitions. Shareholders will continue to have the final determination as to who shall be allowed to acquire a carrier. Under the provisions of the Amtrak bill, the ICC would simply review, on a greatly expedited basis—within 105 days—proposals to acquire a class I carrier in order to ensure that minimum public interest criteria are satisfied. Given the barriers to entry that exist in the rail industry, unlike other transportation modes, and the enormous public consequences of a failure of any one of the Nation's 16 class I rail carriers, these modest provisions are warranted.

In light of these and other factors, I urge my colleagues support for an

override of the President's veto of the Amtrak bill.

In this context, I now resolve myself into a friend of the court, so to speak, because our distinguished Senator from Nebraska, the chairman of our subcommittee, has held all the hearings, given the leadership on this particular bill when it passed this body, and has been in the vanguard of establishing sane and salutary rail service to all of America, has been working around the clock on this particular score. He is far more intimate to the issues involved.

I commend him for his leadership. The entire Senate is indebted to him. I will be standing by as he handles the measure.

I yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend and colleague, the chairman of the committee, who has been absolutely outstanding and resolute in his backing and support for Amtrak and all that Amtrak has done for America.

We are now, I believe, ready to debate formally on the override of the President's veto of the Amtrak reauthorization bill. I think that the issues are fairly clearly drawn. I hope that possibly we could arrange for some kind of time agreement so we could vote on this as early as possible.

I have no idea how much time might be necessary. But I would be prepared to suggest, as far as this side of the aisle is concerned, that we have 2 hours equally dividend, or 4 hours equally divided, or some such arrangement, so that we could have an opportunity to move ahead as expeditiously as possible with the very heavy schedule and workload in the U.S. Senate.

I would just like to inquire at this time as to whether or not there would be objection to reaching a time agreement with controlled time, so that we would have the best opportunity to move this bill ahead with some degree of dispatch.

Mr. President, I will phrase that question once again when the managers of the bill on the other side of the aisle are here. I do not see them at the present time. I assumed that they were present when I made the suggestion. They are not. I will make that request a little bit later.

Mr. President, I stand before you today to urge my colleagues to join me in support of continued rail service by overriding the Presidential veto of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. On May 1, the House and Senate conferees on H.R. 2364, overwhelmingly ratified the conference report. The House approved the conference report by a vote of 322 to 93. The Senate then approved the measure by unanimous consent on May 10. All of these positive efforts were thwarted, however,

by a Presidential veto on May 24. Earlier today, the House overrode the President's veto by a clear margin of 294 to 123. We cannot afford to allow our cause to end here. It is in the best interest of our towns, cities, and businesses across the Nation that this veto be overridden.

The administration's veto reflected its concern about a provision in the Amtrak conference report which would require that acquisitions of major rail carriers by noncarriers be reviewed by the Interstate Commerce Commission [ICC]. It is the Administration's belief that this represents an unprecedented form of regulation that oversteps the traditional boundaries of the ICC to review acquisitions that may diminish competition. Such overregulation, the administration argues, would burden the ICC with additional oversight responsibilities, impact the cost of capital and possibly endanger the financial stability of the railroad industry.

An editorial comment: Of all of the reasons that have ever been given for a veto of a measure by the President of the United States, I believe that the reasons publicly stated in the veto message are totally without foundation.

Yet, it is precisely this concern for the stability and integrity of the railway industry that inspired this new regulatory requirement, in the first place. Without such oversight by the ICC, there is no guarantee that hungry corporate entities would not compromise the health and well-being of the industry, all for the sake of short-term profit.

All we have to do, Mr. President, is look around us for the last few months and the last few years where we have seen time and time again corporate raiders or sometimes greenmailers who have seized control of a corporation, not to enhance that corporation, not to make money in that corporation, not to continue to provide what that entity has done for the public over a number of years, but strictly to make a few bucks.

I suggest to my colleagues that one of the finest pieces of this otherwise outstanding legislation is, indeed, exemplary from the standpoint of protecting basic railroad service in the United States of America.

To suggest that the ICC is only limited to the review of potential anti-trust violations ignores the fact that the ICC is already authorized to review acquisitions of any portion of a railroad by any noncarrier. This means that if any noncarrier seeks to acquire as little as 1 mile of existing rail carrier, the proposed transaction would be subject to the jurisdiction of the ICC. That fact alone makes the reason for the veto hard to accept. Yet, if that same noncarrier is large enough to acquire the entire railroad,

there is no clear authority for the ICC to review the transaction to ensure that adequate commitments to service and maintenance of the line are present. The ICC provision would merely serve to close a most glaring loophole by uniting this review power under the auspices of the ICC.

Let me restate that in a sentence or two. We presently have a law that allows the ICC to take a look at the purchase of 1 mile of track, but they cannot look to see whether the interest of the public is concerned when someone who is not in the railroad business wants to buy an entire line. I think on the face of it that makes no sense.

The provision at issue clearly gives the ICC clear authority to review these matters before problems arise. It mandates that this review take place on an expedited basis, within 90 days of publication in the Federal Register. In addition, it limits this authority to class I railroad carriers. There are currently only 16 of these very large carriers. If any one of these 16 were to fail due to ill-advised takeovers—and that is an ever-present worry—it would have a significant impact on the public and on Amtrak service which operates over the lines of these carriers.

This proposal not only serves to ensure adequate commitments to maintenance and preservation of the rail system, but also is sufficiently tailored so as not to give the ICC ultimate authority to select who shall purchase a class I carrier. The ICC is charged simply with reviewing proposals to ensure that minimum public interest criteria is satisfied. Any and all proposals which satisfy these criteria may gain approval, at which point the shareholders of the carrier are free to select the best offer, as in the ordinary course of business.

A testament to the logic and effectiveness of the proposal is that it has not been opposed by the ICC, nor is there any unified industry opposition that we know of. In fact, at the hearing on this measure last year, the ICC testimony did not take a position on this legislation, although the former chairman of the Commission expressed her personal opposition to additional legislation.

However, the current Chairman of the Commission was considerably more sympathetic to this proposition, and at his confirmation hearing held earlier this year, although he has not taken a formal position on the bill at this time, he has indicated that he would like to take a look at it and has not come out against it, as did the former Chairman.

Similarly, there has been no unified industry opposition to this proposition, again as far as we know. The Association of American Railroads does not have a position on this legislation and, despite the Department of Trans-

portation's animosity toward this provision, they, too, declined to testify when the Commerce Committee held its hearings last year.

Most importantly, it is critical to realize that this provision is not reregulatory, particularly when it is viewed in light of the existing regulatory structure for the rail industry. In that context, the regulatory impact of this provision is minimal, at most, although the risks to the public are great if we do not override this veto and ensure that this loophole is closed.

The implication of this veto, however, is more far reaching than just the oversight authority of the ICC. It also has a profound effect upon the future of Amtrak. Regrettably, the administration's budget proposal for fiscal year 1991 would eliminate all funding for Amtrak and, therefore, essentially eliminate this national passenger system.

In vetoing H.R. 2364, the administration has again shown its opposition to the funding for Amtrak. That is nothing new to us on the Commerce Commission. We had essentially the same thing each and every year from the previous administration.

But the Congress has seen the wisdom for the continuation of this service, time and time again, notwithstanding the objections of the previous administration, and now this one.

I cannot accept the direction that this administration is continuing to take. The effect of eliminating Federal funding for Amtrak at this time would be to end nationwide passenger rail service. To do so would deny the considerable achievements of Amtrak, just as it would deny to the United States a form of transportation that is considered vital in virtually every industrialized nation.

Amtrak will celebrate its 20th anniversary this year. It was created 20 years ago to preserve a national rail passenger system. Since then, it has demonstrated a growing market for its energy-efficient, environmentally benign alternative, continuing to attract more and more people to ride on Amtrak and therefore to help meet the needs caused by the ever increasingly congested highways and certainly the crowded skies that we are dealing with, almost on a weekly basis.

Demand for Amtrak service continues to increase at a very rapid rate.

Amtrak also has become more and more efficient and is today covering a higher percentage of its own costs than any other rail passenger system in the world.

Let me repeat that. We talk about the subsidies to Amtrak but the subsidies to Amtrak are less than the subsidies that are given to any other rail passenger service railroad in the entire world. I think that is a success story that has not been told.

Amtrak now covers 75 percent of its costs, up from just 48 percent as recently as 1981. In contrast, Mr. President, the Canadian rail passenger system is covering less than 30 percent of its costs. In addition, Amtrak revenues for fiscal 1989 were \$1.27 billion, double that of just 9 years ago. There is also an increasing public demand for Amtrak service.

Passengers traveled more distance on Amtrak last year than on all the other many private passenger railroads crossing this country in 1970, the year before Amtrak commenced its service.

The Amtrak Authorization and Improvement Act of 1990 would authorize the appropriation of critically needed capital funding for fiscal year 1991 and 1992. Appropriations at the levels included in the bill would enable Amtrak to order new long distance passenger cars, to modernize several antiquated maintenance facilities, and to replace locomotives that have worked double time to meet the demands of this Nation's rail passenger system.

Opponents of Amtrak argue that rail passenger service is unnecessary and it is outmoded. To the contrary, Amtrak serves critically important transportation needs, particularly in much of small town and rural America. At present, Amtrak serves roughly 500 communities, more than the major airlines combined totally.

In many areas nationwide, Amtrak is the only passenger service which operated during severe weather. Some 109 communities served by Amtrak have no air service. According to Amtrak, it serves 15 communities that lost their essential air service subsidy as of January 1st of this year, and air service to those communities likely will cease forever.

Currently, some 101 Amtrak-served communities have no direct intercity bus service. Seventy-nine of those communities do not even have connecting bus service to transportation hubs. Just this week, Greyhound, which has been mired in a debilitating bus strike, sought protection from its creditors under the Federal bankruptcy laws.

Let me repeat that, because I think it is important. Just this week, it could not be more timely, Greyhound, which has been mired in a bus strike, sought protection from its creditors under the Federal bankruptcy laws. This is an ominous sign for continued bus service, particularly for small cities and rural areas. This makes continued and stable railroad service all the more critical to our rural and moderate-income citizens, who deserve to have their basic transportation needs met.

Already, 31 Amtrak-served communities have neither air nor bus service. These facts, Mr. President, coupled with the Greyhound situation, should

send a clear signal to the administration and to the Congress that there is no more important transportation legislation before the Congress than the continuation of Amtrak.

Additionally, some argued that Amtrak is primarily a northeast corridor operation. However, nearly half of Amtrak riders, three-fourths of its passenger miles, and two-thirds of its revenues, come from its noncorridor operations.

These are largely long-haul services, whose passengers are disproportionately poor and elderly travelers. Thirty percent of America's long-haul passengers have family incomes of under \$20,000 annually, while 51 percent have incomes below \$30,000 annually. Thirty-five percent of the long-haul passengers are 55 years of age and older, and 18 percent of long-haul passengers are 65 years of age and older.

In conclusion, Amtrak has made significant improvements in its performance in recent years, now covering 75 percent of its costs with its own revenue, a record superior to the performance of any other passenger railroad system in the whole world. Amtrak has further established a goal to eliminate the need for any—Mr. President, I emphasize “for any”—Federal funding support by the year 2000.

In light of this progress, I urge the support of the U.S. Senate for the continued advancement of our Nation's transportation network by a vote to override the veto of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990.

Mr. President, there have been some statements made, some of them factual and some of them not, I suggest. Some of it is hearsay and some of it is Cloakroom talk. Some of it is what we hear, and we hear a lot of things, out in the halls of this building. One thing is clear. The administration, although they proposed not a single penny for an Amtrak authorization, has now indicated that the President would sign a piece of Amtrak legislation if we simply knocked out the ICC provision that I have addressed in some detail.

Such a bill was introduced by the minority leader in the House of Representatives shortly before the House overwhelmingly overrode the veto.

The theory here is that the President is not being picky, the President just wants this one part left out, and if we will rush something through and send it back to him, we will save the Amtrak passenger system.

That is not as easy as it might sound. I would like to read into the RECORD at this point a letter from Mr. JOHN DINGELL, the chairman of the Committee on Energy and Commerce, which has primary jurisdiction over this matter in the other body. It is dated June 6, 1990. It is addressed to the Honorable Ernest F. Hollings,

Chairman of the Committee on Science, Commerce, and Transportation, United States Senate, Washington, D.C.

DEAR FRITZ: I understand that representatives of the Administration have indicated to various Senators that if the President's veto of the Amtrak reauthorization bill is sustained, the President would sign a new bill “similar to H.R. 2364” but without the Interstate Commerce Commission (ICC) provision to which he objected in his veto message. Although I am not quite sure what is meant by the word “similar,” I am writing because I would not want Senators to make their decisions about the upcoming override vote on the assumption that consideration of even an identical bill is likely to ensue in the House. In fact, the obstacles to passage of such new legislation are legion.

As an initial matter, H.R. 2364 as considered by the House contained provisions in the jurisdiction of two House committees, the Committee on Energy and Commerce and the Committee on the Judiciary. The conference report on H.R. 2364 includes two Senate provisions of interest to two other House committees—Ways and Means with respect to a provision that will save Amtrak \$16 million annually in rail unemployment taxes, and Public Works with respect to Senator Gorton's amendment to eliminate multiple states' withholding of income taxes from transportation workers.

In all likelihood, a new bill introduced in the House, even minus the ICC provision, would be referred initially to at least three and possibly as many as all four of these House committees. Without question, Judiciary, Ways and Means, and Public Works would all be given the opportunity to consider the measure either initially or sequentially. In the same vein, even if the Senate were to pass such a bill and send it to the House, that bill too would be referred to the relevant committees. In either case, a substantial amount of time would be consumed, and it is not evident that the bill would ever reach the floor.

I understand, as well, that Senator Warner has explored the possibility of attaching the Northern Virginia commuter rail provision in this legislation to an appropriations measure. As you know, the Rules of the House provide for points of order to be asserted against any such nongermane Senate amendments in an appropriations bill. While such points of order are often waived on minor matters, I do not think that would be the case here. Much as the House is sympathetic to the need for commuter rail service in Northern Virginia and has endeavored in H.R. 2364 to make such service a reality, a provision as important as this one, infringing significantly on the jurisdiction of two authorizing committees, would almost certainly result in a point of order being asserted.

In addition, the Northern Virginia Transportation Authority's (NVTA) rail car acquisition contract will result in substantially higher costs if a firm order is not placed by early August. Even if a point of order on an appropriations measure is waived, it is unlikely that any such measure will have been conferred and signed into law by then. Move over, during the short period of time remaining before the August recess, almost all of our Committee's attention is likely to be consumed by the conference on H.R. 3030, the Clean Air Act Amendments of 1990. For this reason, too, it is doubtful that the House could meet the NVTA's August

deadline through consideration of a new bill.

I am concerned that some Senators might assume they can vote to sustain the veto here without doing real damage to Amtrak and the many parties that have vital interests in H.R. 2364. Given the shortness of time before adjournment, the pendency of other urgent business, and the many procedural obstacles to further House consideration of this matter, the scenario being painted by the Administration's representatives for further consideration of the Amtrak bill seems to me so unrealistically optimistic that it should not form the basis for a vote, one way or the other, on the veto override.

Carbon copies of that letter went to the Honorable GEORGE MITCHELL, ROBERT DOLE, JOHN DANFORTH, JAMES EXON, ROBERT KASTEN, SLADE GORTON, and JOHN WARNER.

Mr. President, the letter from the distinguished chairman of the Committee on Energy and Commerce in the House should send a very clear signal to any Member of the Senate that to attempt to justify not voting to override the veto of the President with the assurance that something else will come along to solve the problem would be a very, very dangerous course. I hope no Senator will rely on that eventuality as a way to justify a vote to sustain the President's veto.

Those are my opening comments. I will have additional comments and debate as the afternoon continues. I yield the floor.

Mr. PRYOR. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is the Senate's consideration of the President's veto message of the Amtrak reauthorization bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may be permitted to speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. How much time was requested?

The PRESIDING OFFICER. Ten minutes.

Mr. PRYOR. Not to exceed 10 minutes. Mr. President, let me inquire of my distinguished friend from Nebraska if there are other speakers than the distinguished Senator from Nebraska.

Mr. EXON. There are no other speakers but the leader of the bill on the other side was to return shortly, and I do not think he would want to wait too long. But I have no objection to 10 minutes.

Mr. PRYOR. Mr. President, I will assure my friend from Nebraska that immediately upon the arrival of the other distinguished managers who wish to speak on the legislation now before the Senate that I will conclude my remarks.

THE BUDGET PROBLEM

Mr. PRYOR. Mr. President, this morning in the Baltimore Sun dated June 7, I saw a story, which is the lead story.

Mr. President, I ask unanimous consent that this article be printed in its entirety immediately following my remarks.

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

(See exhibit 1.)

Mr. PRYOR. Mr. President, the headline on the story in the Baltimore Sun this morning says "U.S. conceals \$100 billion in reserve funds." The subhead is "Pentagon, agencies can spend without OK from Congress."

Mr. President, I am going to read a few paragraphs from this story because I think it is very significant. It is significant especially because, as I speak this afternoon in the Senate Chamber, only a few feet from here, in the Mansfield Room S-207, it is my understanding that the budget summitters and the negotiators, who are trying to achieve some reconciliation of our many problems with our deficit, are now meeting and discussing ways and means to meet the deadlines and the budgetary target.

In this situation that the Sun reported:

In one instance, the Air Force spent an extra \$1 billion on B-1B bomber repairs without congressional authority.

Mr. President, this would imply that these leftover funds of the agencies of our Federal Government, not only the Department of Defense but also other agencies which I will name momentarily, basically can spend these leftover funds without congressional authority and beyond the congressional scope of seeing where these funds go.

Let me quote another paragraph, Mr. President:

To put it crudely, these are little more than "slush funds" with over \$50 billion worth in the Pentagon alone," said Representative John D. Dingell, D-Mich., chairman of the House Energy and Commerce Subcommittee on Oversight and Investigations.

He charged that the Treasury Department was essentially being used to "launder" money to avoid congressional oversight.

Mr. President, if this is in fact a correct accusation, then what we have seen over a period of years is the Congress authorizing funds to be spent, the appropriating committees then appropriating the dollars to be spent subject to the authorization, and then if the funds were not spent, evidently in that fiscal year, the agencies come back and ask for an additional amount of money. All of those funds that were previously authorized and appropriated evidently are beyond congressional scrutiny, and can be used basically as a slush fund as Congressman DINGELL has alleged.

To further read in the article, Mr. President, Congressman JOHN CONYERS called the funds "a breeding ground for fraud."

Comptrollers for the Departments of Defense, Energy and Health and Human Services defended the use of the accounts as proper and legal but agreed that the amounts have become excessive and generally welcome legislative remedies to regulate them.

Mr. President, about 2 weeks ago, on the floor of the Senate, Senator ROTH of Delaware and Senator GRASSLEY of Iowa introduced S. 2699 which would force the agencies after authorization, after appropriation, and the fiscal year has passed, to basically give this money back to the General Treasury. Should the Roth-Grassley legislation become law this year, we can easily and readily see how these particular Federal agencies would be forced to give back this money to the General Treasury.

I might add, Mr. President, that only as recently as this morning Mr. Darman, the Director of OMB, said that we are going to need somewhere between \$38 billion and up to \$100 billion to avoid sequestration; in other words, to meet the targets of Gramm-Rudman-Hollings.

Mr. President, here is \$100 billion. It is sitting out there. It has been authorized, appropriated, but unspent.

Take for example one of the smaller agencies of our Government, AID, the Agency for International Development. Their 1990 budget authority last year was \$2.6 billion. In the so-called M account the slush fund account, authorized, appropriated but unspent and probably unobligated today sits \$11 billion.

The Executive Office of the President, the White House, has a 1990 budget authority of, Mr. President, \$272 million. In the M account, the slush fund is \$4.3 billion sitting there doing nothing.

Mr. President, on this point, let me quote one of the staff members of Congressman DINGELL who is an investigator for the committee's panel and others familiar with the issue, "the money Congress appropriates every year is available to the Pentagon and to other agencies for a limited period of time. But when appropriations expire, the money does not necessarily return to the general fund of the U.S. Treasury."

Further, Mr. President, "Instead, the funds accumulate in two types of accounts held for each agency by the Treasury Department. In addition, an agency's legal authority to spend the money 'never goes away,'" according to Bruce Chafin of the committee which Mr. DINGELL chairs in the House of Representatives.

Mr. President, I quote in the final paragraph "Because few government audits have been done, investigators

would say only that the Pentagon now has more than \$50 billion available in those special accounts, the Agency for International Development has more than \$11 billion, the Department of Health and Human Services \$4.4 billion," Mr. President, even "the Department of Energy with \$325 million," in their particular slush fund.

Mr. President, this is an open money sack once again. It is, in my opinion, an invitation to corruption. It is an invitation to circumvent the budget process.

In addition, this \$100 billion amounts to \$400 for every man, woman, and child in the United States of America. Even if these agencies do not return this money to the Federal Treasury, Mr. President, then possibly, conceivably we could return it to the taxpayers—\$400 per person in this country.

I strongly support the Roth-Grassley proposal. I would like to compliment the Baltimore Sun for being the paper that basically wrote this story. I certainly believe, Mr. President, that we have to act very quickly to remedy what I call an egregious situation.

Mr. President, I see the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, on the floor at this time. At this time, I yield the floor.

[From the Baltimore Sun, June 7, 1990]

U.S. CONCEALS \$100 BILLION IN RESERVE FUNDS

(By Richard H.P. Sia)

WASHINGTON.—The Defense Department, the White House and more than a dozen federal agencies have accumulated a largely hidden reserve in excess of \$100 billion that could be used to offset future budget cuts and cover unauthorized expenditures, congressional investigators disclosed yesterday.

The agencies, which can draw on these funds without the knowledge and approval of Congress, could wreak havoc with current efforts to control government spending and reduce the budget deficit, investigators said.

In one instance, the Air Force spent an extra \$1 billion on B-1B bomber repairs without congressional authority.

The disclosures, made during a hearing of two House committees, alarmed and angered Democrats and Republicans alike, some of whom said they were caught unaware by the existence and size of the reserves.

Virtually all the lawmakers present expressed support for legislation that would either impose strict controls on the funds or eliminate them altogether.

"To put it crudely, these are little more than 'slush funds' with over \$50 billion worth in the Pentagon alone," said Representative John D. Dingell, D-Mich., chairman of the House Energy and Commerce Subcommittee on Oversight and Investigations.

He charged that the Treasury Department was essentially being used to "launder" money to avoid congressional oversight.

Mr. Dingell, who chaired the hearing with Representative John D. Conyers, D-Mich., chairman of the House Government Operations Committee, had ordered staff investi-

gators to look into the funds three months ago.

An audit by the General Accounting Office, which has also been under way, may take at least six more months to complete.

"We have an unbelievable accountability problem here," complained Representative Andy Ireland, R-Fla. "I don't think the American people, knowing about it, would put up with it in a minute. The fact that these funds can be [spent] makes a laughingstock out of the budget summit."

"The whole thing stinks," Mr. Ireland said.

Mr. Conyers called the funds a breeding ground for fraud.

Comptrollers for the Departments of Defense, Energy and Health and Human Services defended use of the accounts as proper and legal but agreed that the amounts have become excessive and generally welcomed legislative remedies to regulate them.

Elizabeth E. Smedley, Department of Energy comptroller, testified that her department favored measures to limit the size of the funds "to avoid even the appearance of a 'slush fund.'"

As described by Bruce F. Chafin, an investigator for Mr. Dingell's panel, and others familiar with the issue, the money Congress appropriates every year is available to the Pentagon and other agencies for a limited period of time. But when appropriations expire, the money does not necessarily return to the general fund of the U.S. Treasury.

Instead, the funds accumulate in two types of accounts held for each agency by the Treasury Department. In addition, an agency's legal authority to spend the money "never goes away," Mr. Chafin testified.

One type of account allows an agency to pay "old bills," such as those for items ordered in one year but delivered several years later.

The other involves appropriations that have lapsed but that may be used to cover unexpected expenses, as long as they are "within the scope of a pre-existing contract," Mr. Chafin said, citing the 1956 law that created the accounts.

"No one envisioned that these accounts would grow into a hundred-billion-dollar fund spread across the various federal agencies which could be drawn upon" at the sole discretion of the agencies, he said.

Mr. Chafin and others warned that the Pentagon, for instance, could use funds appropriated for one weapon to pay for another.

A year ago, the Air Force revealed that it spent an extra \$1 billion to fix the electronic gear aboard the B-1B bomber—without congressional authorization—by drawing from expired appropriations, including some from C-5A transport plane purchases.

"It is easy to envision the Congress cutting back on the Pentagon budget but later finding that the military had tapped the . . . account to continue weapons systems after they had been terminated by the Congress," Mr. Dingell said.

Some lawmakers explained that the special accounts do not actually contain cash waiting to be spent but simply that they represent leftover or expired "budget authority."

"It is sort of like having a checking account with automatic overdraft protection, except the bills get paid by increasing the federal deficit," said Sen. William V. Roth Jr., R-Del., who introduced legislation two weeks ago to curtail use of the accounts.

Because few government audits have been done, investigators would say only that the

Pentagon has more than \$50 billion available in the special accounts, the Agency for International Development more than \$11 billion, the Department of Health and Human Services \$4.4 billion and the Department of Energy \$325 million.

A partial accounting by the GAO showed that the "Executive Office of the President" contains at least \$4.3 billion in one of two accounts, mainly unspent funds for development assistance and foreign military sales credits.

Mr. BYRD. Mr. President, I thank my friend. Mr. President, shortly there will be a number of the Members of the British Parliament who will be coming into the Chamber, and I would like to have the honor of presenting them to the Senate. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE BRITISH-AMERICAN PARLIAMENTARY MEETINGS

Mr. BYRD. Mr. President, I was some time ago appointed by our distinguished majority leader to chair the American side of the British-American parliamentary meetings, which occur in London and Washington from time to time. Earlier, I have had the great pleasure of hosting a working luncheon for our visiting parliamentarians from Great Britain. As I have explained to our colleagues from across the Atlantic, Senators are very busy at work and, particularly at this time of the afternoon, they are usually at work elsewhere. There is presently a very important debate going on, which concerns the Presidential veto of the Amtrak legislation, and it is my understanding that there may be a rollcall vote thereon later today.

During our luncheon we were privileged to hear from some of our distinguished colleagues from both sides of the aisle: Senator LLOYD BENTSEN, Senator TED STEVENS, Senator SAM NUNN, Senator PAUL SARBANES, Senator JOHN HEINZ, Senator RICHARD LUGAR, and Senator JOHN WARNER. I am sure that I speak for our British colleagues when I say that we were all impressed by the things that those Senators had to say.

We are going to be spending the weekend in White Sulphur Springs, West Virginia, at the famous Greenbrier and, God willing, we hope that the weather will be excellent; and some of our colleagues on both sides of the aisle will be attending sessions there with our British friends, which

will continue the sessions that we have begun here today.

On Monday of next week our friends will go on to the State capitol at Charleston to meet with the Governor of the State of West Virginia, the Speaker of the House of Delegates and the President of the West Virginia Senate, so that they can get a little better impression of how the State government works in my State.

May I say to the Senate that Great Britain is the mother of parliaments, and as I have often threatened to do, someday I am going to take the floor here and spend a good bit of time talking about the development of the English Parliament, and what we in our country owe to the mother country; aside from the language and the law and the blood, we also owe a great deal to the mother country for the development of the very institution of which we are a part here.

So, it is with a great deal of humility and pride that I have asked the visiting Members of the British Parliament to visit this august Chamber at this time.

I say to our British colleagues, we have had radio and television broadcasting of Senate debates now for a few years, though not as many years as the House of Representatives has engaged in televising its debates. But we finally came to the conclusion, I and others, that the Senate was rapidly becoming an invisible force here in this country, with the House of Representatives broadcasting its debates, with the President able with the snap of his finger to summon around him the television and print media, and that it was time for the United States Senate to televise its debates as well. So we are very thankful to C-SPAN for its splendid work in carrying the Senate's debates.

We have noticed with great interest that the British House of Commons has, I believe, begun a trial period of televised debates. We have found it to be a good thing here.

There were many, like myself, who for a long time opposed the televising of the debates of the Senate. For a long time, I even opposed bringing in the microphones, because I did not think it was good for the Senate. But I found that it was indeed good for the Senate. The people have a right to know, and to see, what their elected representatives in the Senate are doing and saying on their behalf. We can even hear one another better, and we did not, as some of us feared, develop a situation in which Members would spend hours in playing to the galleries. We grew accustomed to the bright lights here and it has all worked out well. I think the speeches have been better and shorter since we have had television. I just say that, believing that our British friends will find that perhaps helpful, if not pro-

vocative, as they experiment with this great medium.

So now with great pleasure I present to the Senate the following Members of the British Parliament: On the Government side, the Right Honorable Peter Brooke, who is not here at the moment; he will join us this evening. Mr. Gregory Knight, Mr. Anthony Favell, Mr. Robert McCrindle, Mr. Michael Shersby; on the Opposition side, the Right Honorable Robert Sheldon, Mr. Frank Haynes, Mr. Roy Hughes, Mr. Mark O'Neill, Dr. Gavin Strang. We also have the Right Honorable Michael Jopling, who is the Honorary Secretary; Mrs. Auriol Moate, the Assistant Secretary; His Excellency Sir Anthony Acland, the Ambassador of the United Kingdom of Great Britain and Northern Ireland.

May I say that it is a great pleasure that I present our friends to the United States Senate, and we say welcome.

[Applause.]

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 4 minutes so that we might welcome our distinguished guests.

There being no objection, the Senate, at 3:09 p.m., recessed until 3:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—VETO

The Senate continued with the consideration of the message from the House.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON.]

Mr. EXON. Mr. President, I ask for the yeas and nays on the override of the Presidential veto.

The PRESIDING OFFICER. The Chair states for the RECORD that the yeas and nays are required under the Constitution on the veto message and do not for that reason need to be ordered.

Mr. EXON. Mr. President, we are waiting for the floor manager of the veto override on the other side to come to the floor. This Senator has been here now for about an hour and a half.

I do not quite understand, with a matter of such priority and importance as this one, why we cannot even begin to engage in debate. But we do have other Members on this side of the aisle who are vitally concerned about this matter who wish to urge the override.

I ask if possible if the managers of the vote to sustain the veto could accommodate us, I would like to begin serious debate on this so that we can get to a vote.

We complain from time to time about the quality of the U.S. Senate and how poorly and slowly we move. Here we are on a Thursday, and every one likes to go out and go home.

I ask at this time formally of the majority leader to at least consider keeping the Senate in session as long as is necessary this evening, as long as is necessary on Friday, and possibly even on Saturday, unless we can begin to move on this bill.

As the Chair knows, when we opened debate on this, I suggested that we have some reasonable time limits so that we could get to the debate. I have not had an opportunity to have anyone on the floor on the other side to even raise an objection.

If I do not see some action sometime in the near future, I will attempt to get a time agreement even absent the other side, which we do not usually do, but this Senator is not about to spend all of this time, which is just as important as the time of any other Member of the U.S. Senate, on window dressing when we should be debating instead of delaying.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. ROBB].

Mr. ROBB. Mr. President, I rise today to urge my colleagues to vote to override the President's veto of the Amtrak reauthorization bill. The House voted to do so this morning by a vote of 294 to 123, with overwhelming bipartisan support. I hope this body can do the same, notwithstanding the tremendous pressure many of our colleagues on the other side of the aisle have felt from the White House.

As many of my colleagues know, I have a parochial interest in this bill. Section 3 will resolve the one outstanding issue that stands between running commuter trains from Fredericksburg and Manassas into Union Station, and leaving them at the Virginia shoreline, unable to get into the District of Columbia. Running into the District, the Virginia Railway Express, is projected to eliminate an entire lane of traffic on I-95.

The President's veto threatens to derail not only the completion of the Virginia Railway Express, but to kill several other provisions in the bill of importance to other colleagues in this body.

Let us remember what this bill is about. H.R. 2364, authorizes funding for Amtrak through fiscal year 1992, making a commitment to much needed capital for the railroad and enabling it to purchase new cars and expand service around the country.

In the wake of the Senate's consideration of the clean air bill, an experience I think we all remember, support for alternative forms of transportation is appropriate. So, a vote to override

this veto is a vote for the environment and for expanded service by Amtrak and the Virginia Railway Express.

That is what this bill is about—railroads, rail service, and railway workers.

But what is the President's veto about?

The administration's rationale for vetoing this bill simply does not stand up to scrutiny.

Section 8 of the bill simply closes a loophole in current ICC jurisdiction. It would grant the Commission explicit authority to review acquisitions of class I railroads by individuals or entities that do not currently own or operate a railroad to ensure that the transaction is consistent with the public interest. The ICC is currently empowered to review every other conceivable acquisition of rail property by carriers and noncarriers alike.

I can see no reason why the Commission's power to review this kind of transaction should be of concern to the administration. The provision can have only limited applicability, since there are just 16 class I rail carriers.

But it strikes me as a reasonable means of ensuring that someone takes the public interest in continued operation of more than 140,000 miles of rail track into account. These railroads are: too important to commerce in this country, too important to too many communities and industries that depend upon them, to not have someone consider whether their sale or transfer is in the public interest.

I understand and respect the separation of powers between the executive and the legislature. I also understand the desire of my colleagues on the other side of the aisle to support the President when important policy considerations are at stake.

In this case, Amtrak's funding and the fate of an innovative local transportation initiative that will have no cost to the Government, are at stake. I can see no policy consideration of equal or greater importance on the side of the veto. I urge my colleagues to override this veto.

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

(Mr. DIXON assumed the chair.)

Mr. SIMON. Mr. President, I commend my colleague from Virginia for his remarks. I shall be very brief. I want to tell the majority leader and the Senator from Nebraska that I am going to be very brief here.

There are two reasons why we ought to be overriding the President's veto and changing the law.

No. 1, the excuse used by the President is a very, very flimsy excuse. We have deregulated ourselves into a mess in the savings and loan field. My distinguished senior colleague from Illinois and I were just up at a press conference with Senator GRAHAM, from Florida, and others talking about what

we ought to be doing more vigorously. Let me tell you, if this particular language is not enacted into law, we are going to deregulate ourselves into a first-class mess in terms of railroad transportation in this country, because without this particular piece of legislation, any takeover group can move in without ICC approval, take over a railroad, dismember it, do whatever they want, and there is not a thing the Government of the United States can do about it. That just does not make sense. My hope is that we will override the veto.

The second thing that is wrong is without this passing and without that ICC approval, a railroad can, in order to block these takeovers, acquire all kinds of debt, and then they are not in a position, because of their debt-servicing, to take care of the railroad tracks, and it results in a less-productive society.

I ask unanimous consent, Mr. President, to have printed in the RECORD an article from Traffic World written by Ira Rosenfeld entitled "Holes in C&NW Buyout Blanket Sending Shivers Through Analysts."

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

[From Traffic World, Apr. 9, 1990]

HOLES IN C&NW BUY-OUT BLANKET SENDING SHIVERS THROUGH ANALYSTS
(By Ira Rosenfeld)

The figures are starting to roll in on last year's takeover of the Chicago & North Western railroad by Blackstone Capital Partners L.P. and some analysts are wondering just where this heavily leveraged deal is heading.

In its first quarter as a private company (the fourth quarter of 1989) parent Chicago and North Western Holdings Corp. reported a 15 percent decline in revenue, to 232.5 million from \$247.6 million in the last quarter of 1988.

Fourth-quarter earnings before depreciation, interest and taxes were \$49.7 million compared with \$50.7 million in the fourth quarter last year. The quarterly earnings figure is also before a \$6.2 million special charge for employee reduction costs.

Interest expense for the quarter was up \$27.1 million over the same period in 1988, a reflection of the \$1.3 billion debt load created by last year's leveraged buy-out.

The company said traffic volumes in the fourth quarter were affected by a decline in overall freight shipments, due in part to the sale of a 208-mile rail segment in Wisconsin, and to bad December weather in the Midwest. In addition, motor vehicle sales were down.

While the C&NW had \$84.7 million in cash on hand and another \$105 million in bank credit lines at the end of 1989, the company faces an operating cash shortfall of \$70 million this year. This will be partially offset by a planned assets sale that the company hopes will bring in \$30 million. Analysts, however, are skeptical about the railroad's long-term chances of survival.

"We conclude that the company has sufficient liquidity to survive the next three to four years but probably will not generate enough cash to cover principal payments

and capital expenditures," said Jonathan Bernstein, financial analyst for Freeman Securities Co. Inc. in Jersey City, N.J.

Last summer, under the banner of the C&NW Acquisition Corp., Blackstone Capital Partners L.P. joined forces with the Union Pacific and the securities firm of Donaldson, Lufkin & Jenrette to outbid the New York investment group Japonica Partners to acquire the 6,200-mile C&NW. The price was steep, with the purchase of C&NW shares and the assumption of the railroad's debt combining for a \$1.6 billion price tag.

The leveraged buy-out, the subject of concern both at the Interstate Commerce Commission and Congress, left the railroad with a debt load of approximately \$1.3 billion, about twice what it was before the deal was completed.

"Some LBOs are well structured but in this instance it is safe to say they have some uphill walking to do," said Bernstein.

Most analysts cite five major problem areas when discussing the C&NW's future: strong rate competition; the cyclical auto and steel industries which account for 18 percent of the railroad's revenues; the fact that it has a high proportion of branch-line miles that causes traffic patterns of lighter density and shorter hauls; the railroad's labor relations problems; and the fact that Western Railroad Properties Inc., the C&NW strongest subsidiary, cannot serve as collateral for its parent company because it is subject to a previous mortgage.

The 160-mile WRPI, which transports 43 million tons of low-sulfur coal in unit trains from the southern Powder River Basin in Wyoming, is the crown jewel in the C&NW crown. The line operates between Riverton, Wyo., and Freemont, Neb., mostly under long-term contracts with utilities in the Southwest and Midwest.

WRPI had revenue of \$142.4 million in 1989, up 10.2 percent over 1988. This represents 61 percent of total corporate revenue for the year.

"We doubt that the basic railroad is worth more than \$700 million," a Freeman report concludes. "Given the priority of a \$460 million term loan and \$300 million in equipment leases, the bond holders have little asset protection in liquidation. While the C&NW remains a going concern it uses Western Railroad Properties' cash flow to help service debt," a Freeman report concludes.

The C&NW's problems with labor stem in part from Congress imposing a labor agreement that cut the C&NW's minimum crew size from four to three in 1988, eliminating a second brakeman. Although some trains still need the three men, the C&NW has moved via arbitration to cut other trains to a two-man crew.

The railroad originally estimated relevant severance costs (they were buying out union contracts to the tune of \$50,000 a worker in 1988) at \$26 million. In actuality, the costs have yet to be determined by the courts. In the interim, the C&NW has neglected to place anything into a reserve fund for the severance.

While analysts worry where the money to pay off this and other debt will come from, the wild card in the deck remains the Union Pacific and its interest in the C&NW's viability.

The Union Pacific Corp. anted \$100 million up front in the Blackstone deal in exchange for non-voting shares of C&NW common stock and, more importantly, guarantees from the C&NW to invest \$115 mil-

lion through 1992 to upgrade and maintain C&NW's east-west, main line. The line, which runs from Chicago to Council Bluffs, Iowa, and Fremont, Neb., is the principal route UP uses to move its freight trains between the West Coast and the Midwest.

The UP's interest in the route, and the need to satisfy its shippers, was pointed up when the UP took out a three-year option to purchase the parallel Iowa Interstate Railroad—before the C&NW buy-out deal. The UP has since let its option on the Iowa Interstate lapse.

Mr. SIMON. Finally, Mr. President, the world's largest economic power should not be a power without passenger rail service. For reasons I cannot comprehend, there are those out there who want to see the passenger rail service end. If we do not pass this legislation, we will end up with commuter service around big cities; we will end up with railroad passenger service from Washington, DC, to New York to Boston and maybe from San Francisco to Los Angeles.

But the demand is growing. Here is today's Washington Times talking about Amtrak ridership is up. And I will just cite a few areas where I am familiar. Amtrak service ridership is up 35 percent between Detroit and Chicago, up 43 percent between Carbondale and Chicago, 29 percent between St. Louis and Chicago, and 43 percent on the Chicago-Cincinnati-Washington-New York route. The American people are using this service. Amtrak is in better shape than it has been for years. Why do we want to say, "Let us just let it disappear, let it disintegrate," is beyond me.

This veto ought to be overridden. We ought to be standing up for the interest of the American people. And the simple, clear way to do it is to override this veto.

Mr. MITCHELL. Mr. President, we on the Democratic side have completed our presentation on this issue and are prepared to vote on this matter at any time. We are prepared to vote right now and would like to do so.

I hope that we can hear from our colleagues on the Republican side.

The PRESIDING OFFICER. May I say to the majority leader, the Chair is ready to put the question. Is there anyone here—

Mr. MITCHELL. Mr. President, I ask that the question not be put now because we want to give our colleagues the opportunity to be present and present their views. We would like to resolve this matter. But if there are arguments to be made, I hope they will be made so that we can proceed promptly, or at least in a reasonable time, to have this matter considered.

We await the presentation of any contrary point of view. The Senate has a great deal of business to conduct. We want to proceed and dispose of this matter with reasonable dispatch, not depriving anyone of the opportunity to have his or her say on the subject.

So I hope, Mr. President, that we can hear from our colleagues shortly in this regard.

Mr. EXON. Mr. President, will the majority leader yield for a question or two?

Mr. MITCHELL. Yes.

Mr. EXON. Can the majority leader advise the Senator from Nebraska and maybe the Senate as to what is his planned order of business? Assuming we can maybe dispose of this matter by a vote by, say, 6 o'clock, do we have other business that we would go to at that time?

Mr. MITCHELL. The pending bill is the Blind Air Passengers Act, which we had hoped to complete action on yesterday but, like other matters before the Senate, is delayed by other measures. But that is what we would go back to.

Mr. EXON. And Friday, tomorrow?

Mr. MITCHELL. We would continue action on that. The chairman and ranking member of the Judiciary Committee are presently discussing the situation with respect to the crime bill. The distinguished Republican manager of that bill made a proposal which was accepted by myself and the chairman of the committee, Senator BIDEN, that would enable us to complete action on the crime bill in a very short time, perhaps today. But I do not know whether that is going to be acceptable to the Republican leadership, so we are waiting to hear on that as well.

Mr. EXON. Is it fair to assume that the majority leader would like to keep us in as late tomorrow, if necessary, if debate continues on the measure before us to override the veto?

Mr. MITCHELL. Yes. We simply have to complete action on this and other measures in the Senate. Unfortunately, what is occurring is what should take an hour takes a day, what should take a day takes a week, and, as a result, the progress is painfully slow. But it is my hope that we can complete action on this bill promptly. In any event, if there is to be debate, those who wish to debate should do so.

Mr. EXON. May I ask the majority leader, maybe he, as the majority leader, can make some suggestion as to time agreements on the matter before us? Earlier, when I started in, I posed the question, but there was no one on the other side of the aisle at that time to respond.

Would the leader like to propose a suggestion as to at least some type of time agreement on the matter before us?

Mr. MITCHELL. I would be pleased to accept any reasonable time agreement that the Senator may be able to negotiate with the Republican managers under whatever is reasonable in the circumstances.

The PRESIDING OFFICER. The Senator from Nebraska, the manager, is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. EXON. Mr. President, I would like to ask at this time, so we might have an opportunity to move this along, I am going to propose 2 hours equally divided, maximum, with the time to be controlled by the managers on each side and then set a vote on the veto at no later than 6:30 p.m.

The PRESIDING OFFICER. Senators heard the request by the distinguished senior Senator from Nebraska, the manager. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, reserving the right to object, and I shall object. I would only like to suggest to the Senator that until we can make some inquiry, representing the minority side of the Senate, I would have to object if he made that request at this moment.

That does not in any way indicate that we cannot find some agreement on time. But I would have to have a little time to make that inquiry.

The PRESIDING OFFICER. Objection is heard by the Senator from Oregon.

Mr. EXON. I thank my friend and colleague. Let me say if we can expedite this a little bit, since we have been on the floor debating this, we would be glad to cut down our time, maybe a half-hour on this side, an hour on that, if we could do anything to move this along.

I thank my colleague for his consideration.

The PRESIDING OFFICER. Does the Senator from Nebraska suggest the absence of a quorum in these circumstances?

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

The PRESIDING OFFICER. Without objection, it is so ordered. The distinguished senior Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, various Members of the Senate have received a letter from the distinguished chairman of the House Committee on Energy and Commerce, JOHN DINGELL, an exceptionally able and very, very powerful Member of the House of Representatives. In his letter he says:

I understand that representatives of the administration have indicated to various Senators that if the President's veto of the Amtrak reauthorization bill is sustained, the President would sign a new bill "similar to H.R. 2364" but without the Interstate Commerce Commission provision to which he

objected in his veto message. Although I am not quite sure what is meant by the word "similar," I am writing because I would not want Senators to make their decisions about the upcoming override vote on the assumption that consideration of even an identical bill is likely to ensue in the House. In fact, the obstacles to passage of such new legislation are legion.

Mr. President, I have a very high regard for the chairman of our counterpart committee in the House. I must say that in my time in the Senate, I have never seen a letter quite like this. We have received veto messages from the President of the United States throughout history. I do not know that I have ever received a veto message from a chairman of the committee of the House of Representatives before. But I simply point out to the Senate that this threat to the Senate issued by Chairman DINGELL is a threat that, when examined, does not quite have the force behind it that one might imagine.

Even should the House of Representatives take the position that it insists on not passing any authorization bill for Amtrak, the fact of the matter is that Amtrak does not need an authorization bill to function. An appropriation does the trick. There have been many times in the past when agencies have operated literally for years—the Federal Trade Commission would be one example—without any authorization bill having been passed whatever.

So if the position of Chairman DINGELL is, if he does not dictate the terms of every provision in the legislation, then we are not going to have any Amtrak, which I take to be the meaning of this letter, the fact of the matter is that that is a totally empty threat.

Mr. President, this very minute Amtrak is operating, and this very minute, Amtrak is operating without an authorization. A number of times during the past 10 years, Amtrak has functioned without an authorization being in effect. It may not be a great way to do business. It may be undue power in the hands of an Appropriation Committee to do business that way, but be that as it may, the fact is that agencies are able to operate and Amtrak is today functioning without an authorization bill being on the books.

This letter is hardball, an attempt at hardball politics practiced by our friends in the House of Representatives, but when the hardball crosses the plate, it turns out to be a paper wad. There is nothing behind it. I know that there are those who have very strong feelings about this one provision that is in the conference report, one of nine provisions. It is the only sticking point. The President has indicated that he would support the legislation without this one provision

in it. I understand that there are strong views about it.

The provision says that if a nonrailroad acquires a railroad, then the ICC should review the acquisition. Why, we might ask? Why should the Interstate Commerce Commission review the acquisition of a railroad by a nonrailroad? If a railroad is acquiring a railroad, then that presents certain questions relating to competition.

Maybe competition is going to be affected if there is a concentration of power, if there is a concentration of railroads. Maybe the ICC should review a railroad acquiring a railroad, as it now does, but there is no immediate reason that pops into mind indicating that the Interstate Commerce Commission should review the acquisition of a railroad by a nonrailroad. For example, the Senator from Nebraska is a nonrailroad. If the Senator from Nebraska were a person of means who was in the business of acquiring a railroad, it does not strike this Senator as being a matter of logical necessity that a regulatory agency should review this acquisition.

Mr. WARNER. Mr. President, at some point, will my friend and colleague yield for a question?

Mr. DANFORTH. Of course.

Mr. WARNER. Is this an appropriate time?

Mr. DANFORTH. Yes.

Mr. WARNER. Mr. President, I have listened to my colleague's very carefully prepared remarks on this point, but I am troubled by this reference to the paper wad. This paper wad is directed at about 1.5 million Virginians who, as we are here on this floor, are proceeding down Routes I-95 and I-66 into gridlock traffic situations and looking for the Congress of the United States working with the Government of our State to try to relieve this congestion. For several years, Members of the House and Members of the Senate—and now the effort is joined in by my distinguished colleague, Mr. ROBB, who spoke earlier, who is on the Commerce Committee and who has fostered this particular legislation—have worked for the commuter rail system. I urge my colleague to think about that provision in this bill which breaks the last obstacle against this commuter rail, the last obstacle after years of effort.

I earlier in this session endeavored to attach this commuter rail provision to a piece of legislation, and I now refer to page 2 of the letter that the distinguished Senator from Missouri was referring to, a letter dated June 6, 1990.

Mr. President, I ask unanimous consent that this letter in its entirety may be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. WARNER. On the second page, the writer, Mr. DINGELL, says:

I understand, as well, that Senator Warner has explored the possibility of attaching the Northern Virginia commuter rail provision in this legislation to an appropriations measure. As you know, the rules of the House provide for points of order to be asserted against any such nongermane Senate amendments in an appropriations bill. While such points of order are often waived on minor matters, I do not think that would be the case here. Much as the House is sympathetic to the need for commuter rail service in Northern Virginia and has endeavored in H.R. 2364 to make such service a reality, a provision as important as this one, infringing significantly on the jurisdiction of two authorizing committees, would almost certainly result in a point of order being asserted.

In addition, the Northern Virginia Transportation Authority's [NVT] rail car acquisition contract will result in substantially higher costs if a firm order is not placed by early August.

That is August, I say parenthetically, 1990. Continuing:

Even if a point of order on an appropriations measure is waived, it is unlikely that any such measure will have been conferred and signed into law by then. Moreover, during the short period of time remaining before the August recess, almost all of our committee's attention is likely to be consumed by conference on H.R. 3030, the Clean Air Act Amendments of 1990. For this reason, too, it is doubtful that the House could meet the NVT's deadline through consideration of a new bill.

Mr. President, with all due respect for my colleague from Missouri, that is not a paper wad in the Commonwealth of Virginia. My distinguished colleague and friend, Mr. ROBB, and I are faced with a situation where we have this one shot to at long last consummate a legislative effort undertaken by many on this side as well as in the House of Representatives.

It is for that reason, Mr. President, I associate myself with my distinguished colleague and others who are voting to override this measure.

Mr. DANFORTH. Mr. President, I very much sympathize with the position of the two Senators from Virginia. I can say that from the standpoint of the continuation of Amtrak and the ability of Amtrak to function throughout country, it is not very much of a paper wad in that regard because Amtrak is going to function on the basis of appropriations.

Now, it is true—

Mr. WARNER. Mr. President, I will accept that, but it is a mighty cannonball coming right at us.

Mr. DANFORTH. It is certainly true that Senator ROBB worked very hard to get this provision that relates specifically to Virginia in the legislation, and it is in the bill; there is no doubt about it. The President has indicated that he agrees with this provision. His only problem is the leveraged buyout provision.

It is also true that a bill has been introduced in the House incorporating all provisions of this legislation with the exception of leveraged buyout in it, and that a bill is going to be introduced in the Senate which will incorporate all provisions in it except for leveraged buyout. It is not true that this is a matter of great difficulty for the House of Representatives because it is legislation that word for word has been passed and in fact is now before us.

It is true that if the chairman of the Energy and Commerce Committee decides he wants to punish the two Senators from Virginia, he probably could do it. He could say that in order to punish you for not supporting the leveraged buyout provision, he is going to hurt Virginia in order to punish the Senators and the people of Virginia and the House delegation from Virginia, that he would raise a point of order on an appropriations bill.

I do not think that is going to happen because I do not think the House is going to allow Amtrak nationally to come to a halt, much less the provision of Virginia.

I understand high pressure tactics. I understand the desire of people to get their own way and to try to threaten, to try to hurt, in order to accomplish that. There is nothing new in that. I can understand the position of the two Senators from Virginia. I would probably take the same position myself.

But what I am saying is that the President of the United States has said that this one item in the bill, one of nine items in the bill, is something which he thinks is bad policy and he does not want to swallow it.

It is my view that if we are acting responsibly as legislators, what we should attempt to do is to pass the basic bill, take care of the issue that has been raised by the two Senators from Virginia, get it passed, and see what happens.

I can understand the concern the Senator has expressed. But my view is that this LBO provision does not belong in this bill. It was not considered by the full Senate. It was passed as a separate bill, reported out as a separate bill in the Commerce Committee, but it was not addressed by the Senate. It is still on the calendar. It was squeezed into this legislation in conference. It is strongly objected to by the President of the United States. It is just bad policy. It is just bad policy.

Mr. WARNER. Mr. President, I thank my distinguished colleague for allowing me to have this colloquy. I appreciate his representations that if he were in the position of the two Senators from Virginia, he would do much the same. I can assure the Senator the two Senators from Virginia, having once been privileged to serve in the Marine Corps, can take a lot of pun-

ishment but we cannot stand by and allow 1½ million Virginians to take punishment, and this is the saving grace. The two of us will fight here and stand like a stone wall.

Mr. President, I thank my distinguished colleague from Missouri.

Mr. DANFORTH. I would hope, though, in taking a longer view of the interests of the people of Virginia and the longer view of the interests of people of the country, the two Senators would not want to be in a position of just being beaten around the head by the chairman of the Energy and Commerce Committee of the House of Representatives.

Mr. WARNER. Mr. President, I do not wish to take up the time of the Senate, but again I think I have stated my case.

I want to say—and I think it is important and my distinguished colleague from Virginia [Mr. ROBB], would join me—that we have talked at length, in my case parenthetically, with the President, the Chief of Staff, Mr. Sununu, and all of them have tried their very best to accommodate the two Senators from Virginia. They recognize the dilemma not only the two Senators but Virginians are in and the importance of this issue. They assured us that if there were any way to work it out, we would receive the full cooperation of the President and the senior members of his staff.

Mr. DANFORTH. The Senator can certainly count on the ranking member of the Senate Commerce Committee. There is no controversy within the Senate or within the Congress. It is a matter of being held hostage.

Let us face it. The State of Virginia is being held hostage. The two Senators from Virginia are being held hostage. It is not a comfortable position in which to be. I understand that.

Mr. WARNER. I thank the Senator.

EXHIBIT 1

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, June 6, 1990.

HON. EARNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate,
Washington, DC.

DEAR FRITZ: I understand that representatives of the Administration have indicted various Senators that if the President's veto of the Amtrak reauthorization bill is sustained, the President would sign a new bill "similar to H.R. 2364" but without the Interstate Commerce Commission (ICC) provision to which he objected in his veto message. Although I am not quite sure what is meant by the word "similar," I am writing because I would not want Senators to make their decisions about the upcoming override vote on the assumption that consideration of even an identical bill is likely to ensue in the House. In fact, the obstacles to passage of such new legislation are legion.

As an initial matter, H.R. 2364 as considered by the House contained provisions in the jurisdiction of two House committees,

the Committee on Energy and Commerce and the Committee on the Judiciary. The conference report on H.R. 2364 includes two Senate provisions of interest to two other House committees—Ways and Means with respect to a provision that will save Amtrak \$16 million annually in rail unemployment taxes, and Public Works with respect to Senator Gorton's amendment to eliminate multiple states' withholding of income taxes from transportation workers.

In all likelihood, a new bill introduced in the House, even minus the ICC provision, would be referred initially to at least three and possibly as many as all four of these House committees. Without question, Judiciary, Ways and Means, and Public Works would all be given the opportunity to consider the measure either initially or sequentially. In the same vein, even if the Senate were to pass such a bill and send it to the House, that bill too would be referred to the relevant committees. I either case, a substantial amount of time would be consumed, and it is not evident that the bill would ever reach the floor.

I understand, as well, that Senator Warner has explored the possibility of attaching the Northern Virginia commuter rail provision in this legislation to an appropriations measure. As you know, the Rules of the House provide for points of order to be asserted against any such nongermane Senate amendments in an appropriations bill. While such points of order are often waived on minor matters, I do not think that would be the case here. Much as the House is sympathetic to the need for commuter rail service in Northern Virginia and has endeavored in H.R. 2364 to make such service a reality, a provision as important as this one, infringing significantly on the jurisdiction of two authorizing committees, would almost certainly result in a point of order being asserted.

In addition, the Northern Virginia Transportation Authority's (NVTA) rail car acquisition contract will result in substantially higher costs if a firm order is not placed by early August. Even if a point of order on an appropriations measure is waived, it is unlikely that any such measure will have been conferred and signed into law by then. Moreover, during the short period of time remaining before the August recess, almost all of our Committee's attention is likely to be consumed by the conference on H.R. 3030, the Clean Air Act Amendments of 1990. For this reason, too, it is doubtful that the House could meet the NVTA's August deadline through consideration of a new bill.

I am concerned that some Senators might assume they can vote to sustain the veto here without doing real damage to Amtrak and the many parties that have vital interests in H.R. 2364. Given the shortness of time before adjournment, the pendency of other urgent business, and the many procedural obstacles to further House consideration of this matter, the scenario being painted by the Administration's representatives for further consideration of the Amtrak bill seems to me so unrealistically optimistic that it should not form the basis for a vote, one way or the other, on the veto override.

Sincerely,

JOHN D. DINGELL,
Chairman.

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

Mr. DANFORTH. I am happy to yield.

Mr. EXON. Mr. President, we are again on Thursday coming up to Friday. I think before the Senator from Missouri got back on the floor there were certain discussions, and the majority leader posed the question. In order to get to a vote on this could we entertain a unanimous-consent agreement for half an hour on our side, an hour on the other side, for controlled time, and then arrange for a vote about 5:30.

Mr. DOLE. Next Wednesday.

Mr. EXON. Did the Republican leader say next Wednesday? We were thinking not about next Wednesday but sometime today. Is there some reason we should not vote today?

Mr. DANFORTH. I am not in the business of time agreements. I am just a humble Senator from Missouri. I leave it to the majority leader and the minority leader to work out time agreements.

I am satisfied with any time that can be worked out except that I do have a family obligation early next week. One of my kids is graduating from college. I am certainly going to be present for that. But other than that little problem, as far as I am concerned, any time.

Mr. EXON. Would the Senator like to vote tonight?

Mr. DANFORTH. As far as I am concerned, I will certainly be here. I am told on both sides of the aisle there is not necessarily everybody available. On a veto override, when you are counting each vote, I think everybody wants to be full strength.

So my suggestion would be, just the suggestion of one humble Senator from Missouri, that we find some time certain when we would be at full strength, say the middle of next week, and that we plan to take it up then. That would be by suggestion.

Mr. EXON. I think I can speak for the majority leader. Is the minority leader telling us that we just do not want a vote this week?

Mr. DOLE. No.

Mr. EXON. Is that what I am to understand from the remark of the Senator from Missouri?

The PRESIDING OFFICER. Is the Republican leader seeking recognition?

Mr. DOLE. No. The Senator from Nebraska has the floor. I say in response I think we have four, maybe by this time five absentees; one recovering from an operation, two at graduation exercises for their children, and they would like to be here to vote. They will not be here today. They will not be here tomorrow. So we are not going to vote today or tomorrow.

Mr. EXON. I thank the Senator.

The PRESIDING OFFICER. I believe the Senator from Missouri has the floor.

Mr. EXON. I thank him for yielding. I take it there is no way we can get a time agreement.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I would simply conclude my comments by saying that even if one were to assume that it was a good idea to have a regulatory agency review the acquisition of a railroad by a nonrailroad, I really wonder whether the Interstate Commerce Commission, as it is now set up, is in a position to do that.

The Interstate Commerce Commission really has a very illustrious history. If any citizen wants to see Government in its golden age, or at least kind of a museum to Government in its golden age, one place to go in Washington is to the Interstate Commerce Commission. It is a glorious public building. It has a marvelous hearing room, unlike anything that we have in the Senate.

Back in the good old days when transportation was regulated, the railroads and the truckers would arrive for hearings in the Interstate Commerce Commission, arrive probably on trains at Union Station, and go in their Pierce Arrows or whatever, over to the ICC. They would have their hearings. It was a splendid affair, for a regulated sector of the economy, in a hearing room that looks as though it was created as a stage set for God himself. It was the Interstate Commerce Commission, in the glory days of the Commission. But they are long since gone.

The Interstate Commerce Commission's jurisdiction has been so changed in an era of deregulation that that Commission is no longer a dominant factor in the governmental or economic scene in the United States.

The ICC is really a shadow of its former self—nice people over there. But if we were thinking of agencies that are skilled in making economic determinations relating to acquisitions and mergers, I am not sure that we would turn to the ICC as being a repository of that kind of skill and background, at least at this moment.

The proposal in this legislation is to at least partially return to those glory days of yesteryear of ICC regulatory power. I am wondering if in the foreseeable future the ICC would be in a position to fulfill that kind of a task, or at least to fulfill it very well.

So I do not myself believe that this is a subject matter that should be reviewed, and if it should be reviewed I do not think that the ICC is geared up to conduct that kind of review. I myself think that it would be viewed as at least something of a turning back of the clock from the Staggers Act where rail transportation was deregulated.

There are those who do not like the Staggers Act. There are those who be-

lieve that we would be better off if rail transportation were regulated again. But I am not one of those people because I am convinced that the Staggers Act was the salvation of the American railroads. Railroads in this country were literally going down the drain until the Staggers Act was passed. A lot of people criticized transportation deregulation. A lot of people, I am one, have criticized air deregulation. We have seen real problems in what has happened since we deregulated airlines. But the railroads and the airlines are two very different industries. I believe that the Staggers Act saved the railroads. I believe that to put the ICC back into the business of regulation, to administer to the ICC a kind of legislative Geritol, and prop it back onto its feet so that it could dodder to the forefront of regulation, would be a step back into the past. It would weaken the health of American railroads. So I do not think this is a good move, and I do not think that it is an agency that is prepared to take on this kind of move.

My guess, and I am not an economist, is that there are cases where the health of a railroad requires outside investment, that there are cases where communities are going to lose rail transportation, where a railroad is in a weakened condition, and the railroad cries out for some infusion of capital, that the economic health of a railroad depends on somebody stepping in and being able to buy the railroad.

And now the authors of this provision say, wait a second, hold the phone, do not do anything; we have another little barrier for you to cross. Come to Washington; go to the ICC and present your case. Let the ICC work its magic on this proposal that you have to save your railroad and, perhaps, to save your community. We have in Washington a large building. It is now understaffed by Federal employees, but we have an idea here in Congress to revitalize this bureaucracy, to put this governmental bureaucracy back on its feet. Do not go forward with this infusion of capital. Uncle Sam is on the way.

I do not think that it is sound. I do not think that it is in the best interests of rail transportation. I cannot believe that it is in the best interest of communities around this country. Furthermore, even if it were, this is an idea that has not exactly received the careful attention and analysis of the U.S. Senate.

There was a vote in the Senate Commerce Committee on a bill containing similar provisions that was introduced by Senator HARKIN, but the bill is still pending on the calendar of the Senate. So it was added before the Senate was able to direct its attention to it. It was added in conference.

The Senate has not worked its will on this provision. It was shoehorned into the legislation by the Conferees, without the participation of the Senate as a whole.

If we want to get into this business, I suggest, of regulatory review of acquisitions, if we want to get into this business, at the very least we should not begin the process with rail transportation; we should not begin with rail transportation, and we should not say that the place to start is with railroads. Maybe airlines, where if somebody was to acquire an airline and was not competent to run the airline, I suspect that planes would be falling. But I do not think the place to start this process is with railroads.

I believe that if we want to deal with the question of nonrailroad acquisitions of railroads, that the very least is that we should do it in the context of a larger policy of transportation mergers and acquisitions, and it should not be something that is suddenly tossed into an Amtrak authorization bill.

It is important to understand that this provision, one of nine provisions in the bill, is put into an Amtrak authorization bill. If you ask the ordinary person what is the subject matter of an Amtrak authorization bill, the normal citizen would say, "My guess is that the bill has to do with reauthorizing Amtrak."

Well, this provision, added in conference without consideration by the Senate, does not have anything to do with Amtrak, does not have anything at all to do with Amtrak. This has to do with people acquiring private sector railroads, not Amtrak. It does not belong in this bill.

Mr. President, my hope is that we will sustain the President's veto. My hope is that if we want to get into this business of reviewing capital infusions into the railroad industry, that we do so with a little more attention than to do it as a result of a conference report.

Senator HARKIN, when he introduced his bill, introduced it as separate legislation. That is the right idea. Deal with it as a separate legislation. It is on the calendar now. Let the majority leader call it up, and let us deal with it on the floor of the Senate. Let us have a debate. Let people be able to offer amendments as to the degree to which the Interstate Commerce Commission is to be restored to its previous days of glory. Let the Senate work its will on that.

This is what we are for in the Senate, the deliberative body. If we are going to turn the clock back on deregulation, let us do so, having debated it and thought about it, not just squeeze it into an extraneous piece of legislation.

Mr. President, I think the President of the United States is correct. I do not believe that this belongs in this bill. Amtrak is going to continue to

function with or without this legislation.

With respect to the concerns of the Senators from Virginia, we are prepared to go forward, and we would instantaneously pass the bill without this LBO provision.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The distinguished majority leader.

Mr. MITCHELL. Madam President, as I understand the situation, the distinguished Republican leader stated a few moments ago that there would not be a vote on this measure this week. I inquire of the manager, is that correct?

Mr. DANFORTH. I am sorry. I did not hear.

Mr. MITCHELL. I have been advised that while I was absent, in a colloquy between the Senator from Missouri and the Senator from Nebraska, it was publicly stated that the Republicans were not going to realize a vote to occur on this.

Mr. DANFORTH. I am not in the business of making that kind of representation. I was present when Senator EXON asked the question, and Senator DOLE said there would not be a vote this week because there are something like five Republican Senators who are out.

The suggestion was that we could have a time, say, next Wednesday, if that would be possible. My problem early next week is that I have one of my children graduating from college. I do not necessarily have to be there.

If everybody counts so carefully on these veto overrides, I think it would be helpful if we can have some time maybe in the middle of the week.

Mr. MITCHELL. Madam President, I say to the Members of the Senate, I think this dramatizes in a way that no words that I could otherwise speak the difficulty of accomplishing anything in the Senate.

Two years ago we adopted a practice of having the Senate in session 3 weeks out of a month, one of each 4 weeks not in session. Many Americans do not understand why it is that we do not work 4 weeks a month like they do. Now in the 3 weeks a month that we do work Senators do not want to have votes on Mondays and they do not want to have votes on Fridays.

We have 3 weeks of the month in which we work, and in those 3 weeks we have 3 days of the week in which the Senate can vote.

Throughout this period it has been stated in writing and publicly repeated that the 1 day on which the Senate would be in session into the evening and voting would be Thursdays. Now we have reached the situation where we cannot vote on a Thursday. I have the greatest respect for the Senators

who are necessarily absent, and I understand the fact that Senators must on occasion be absent due to illness, family graduation, or whatever reason. That is to be expected and it is to be tolerated. But it is intolerable that the Senate cannot function if one of a few Senators have something else to do on one of the 3 days of the week of the 3 weeks of the month that the Senate is supposed to be in session and working.

There are 100 Senators. Each one has good and valid and substantial reasons for being absent on occasion. And we must accept that. But we simply cannot accept a situation in which that requires the Senate not to function.

It seems to me that we must either consider that we will have to reconsider the whole practice of 3 weeks on and 1 week off, or we certainly will have to consider canceling a portion of the proposed August recess, because what is occurring now is what ordinarily takes 1 day takes a week, what should take an hour takes a day. The Senator himself just openly acknowledged there is nothing to debate on this issue but, because Senators are absent, we want to vote next Wednesday.

Obviously, there is nothing we can do. The Senator has it in his power. The Senator and the minority has it in their power to prevent a vote from occurring.

Mr. DANFORTH. Madam President, if the majority leader will yield, I do not really think that there is any desire on this side to thwart the functioning of the Senate. I think this is just a question of scheduling. It is not a question of delay at all. It is not a question of dragging feet or endless debate or not cooperating. I think that there is every desire to cooperate.

It is, I think, very common on veto override votes for both sides to want to count their votes very carefully. It just happens to be at this particular time of year, for reasons that are perfectly understandable, there are people who are absent, there are people at graduations. Senator DOLE said there are two on our side who are now attending graduations of kids. Senator CHAFEE has had an operation. He is due back next week.

I think that, if we could just lay this aside, the Senate could, I think, get a time agreement to take it up at some time certain and have half an hour of debate, maybe no debate at all next week and squeeze it right in.

Mr. MITCHELL. In the meantime, some Senator has a graduation next Wednesday.

Mr. DANFORTH. My suggestion would be to announce that the vote is going to take place on Wednesday—that, to me, would solve it—and ask unanimous consent to have it at a time certain.

Mr. MITCHELL. But that means that here we are in a situation where everything we attempt to bring up we are unable to proceed with, and I must say it is extremely, extremely difficult and discouraging under the circumstances.

I want to make clear I do not dispute the fact that Senators are necessarily absent. I accept that, certainly if a Senator is ill or goes to a child's graduation—I would criticize a Senator who did not go to his child's graduation; that is obviously very important. The question is, Is the Senate incapable of functioning and transacting business when such necessary absences occur? What is, and what is not, necessary? Something which is important to one Senator, which I might share, might be unimportant to another. How do we make such judgments? How do we ever proceed in any responsible manner?

Mr. DANFORTH. Madam President, I can say that I have never aspired to the office of majority leader. I cannot imagine a worse job than to try to organize this body. I think it would be just absolutely terrible.

As far as I am concerned, if we could have a live pair or something for this Senator—I might say Senator ROSS is going to be at the same commencement, the same situation exactly I am in next week—maybe we could work out something in that regard. I do not care. I am not trying to hold up the Senate at all. I very seldom do.

But I think you have a situation now where the people on this side would be very amenable to setting whatever time the Senator wants. But, as Senator DOLE says, we have too many people absent right now.

Mr. DOLE. Madam President, I say this now with some precedent. I recall being majority leader and people telling me there would not be any votes. I think there are times we have to protect Members on both sides. I am certain it has been done on that side this year and it has been done on this side. That is the responsibility of the leadership from time to time.

But in this case, there is not any urgency. The trains are going to go whether we do it today or a week from Wednesday. It is not something that has to be dealt with any time in the near future as far as I am concerned. We can go back to the Kassebaum amendment pending yesterday or back to the crime bill. We will be prepared to do that, and they will miss votes. We are not trying to protect them on votes. They will miss them.

But in this instance our President has an interest. He vetoed this bill. We have a particular responsibility to see if we cannot sustain the veto. Maybe we cannot. I do not know how many votes we have. Maybe we do not have enough. The President feels strongly about it, and I think we have a special

responsibility on this side of the aisle, compared to the other side of the aisle, on an issue like this to make certain we can do the best we can.

We cannot do the best we can with five absentees. They may all vote against you. I know—I think I know, but I do not know for certain.

We prefer not to frustrate the majority leader any more than we have to. But, in fact, I say we are going to meet at 5:30; we are having a caucus on the crime bill. We are trying to move it forward. We know the majority leader wants to do that. We have to keep the train moving, or maybe not in this case, but we have to keep moving, put it that way.

I wish I had better news for the majority leader, but we are going to meet at 5:30 on the crime bill and certainly are willing to go back to the Kassebaum amendment, and I understand there may be some way to compromise that. The Senator from Ohio, the Senator from Kansas, or the crime bill, since we are going to have a caucus on that, that probably would not be very helpful. There may be some other matter we might be able to take up. I do not know that it might be. We are not trying to protect missing votes.

I think this is a special case where the President of the United States has vetoed a bill and he is looking primarily to this side, although we hope we have votes on the other side, to sustain his position, and the Senator from Missouri has the responsibility as the ranking Republican on that committee to make that happen, or try to make that happen. Otherwise, I think the majority leader knows the Senator from Missouri seldom holds up the Senate.

Then he has this special problem that is further frustrating in a sense on next Tuesday. Is the Senator from Missouri speaking on Tuesday at the graduation?

Mr. DANFORTH. No, I am just going to be the proud papa next Tuesday.

Mr. DOLE. Well, in any event, I do not know what else we can do on this side. But if the majority leader has a suggestion, we will be happy to try to cooperate.

Mr. MITCHELL. I have some suggestions, but I think they are better left unsaid right at this moment. I yield the floor and perhaps will discuss it privately with the Republican leader.

Mr. ADAMS. Parliamentary inquiry. Are we on the veto override?

The PRESIDING OFFICER. The Senator is correct.

Mr. ADAMS. Madam President, I rise in support of overriding this Presidential veto of the Amtrak reauthorization bill.

Madam President, Congress has worked its will by previously passing this legislation and sending it to the

President. Nevertheless, the President has seen fit with little logic and weak arguments, to arbitrarily overrule this legislative mandate.

The President states that we must be competitive, yet he ignores a crumbling Federal transportation infrastructure. This includes not only passenger trains but our roads, waterways, and airports.

Rather than presenting roadmaps to the 1990's, Mr. Bush has consistently presented roadmaps back to the horse and buggy days.

Madam President, Amtrak has been and will continue to be not only an integral part of our national infrastructure, but a part of our history, a part of our history that cannot and must not be ignored.

President Bush says that he cannot support this legislation because of certain restrictive administrative review requirements. To that I say, please Mr. Bush, do not hide behind such a weak excuse. Tell us where you really stand on the issue of adequate Federal support for a critical passenger service.

But then, Madam President, the answer is obvious. This is the fourth year in a row that this and the previous administration has recommended no appropriations for the Amtrak budget.

What this President is really saying to the American public is that despite the efficiencies implemented by my friend Graham Claytor, Chairman of the Board for Amtrak, who probably is the best railroad man in the United States, he, the President, sees no reason to serve the small towns and communities of America, and Washington State.

He is saying that communities in my State like White Salmon, Ephrata, Leavenworth, Pasco, Centralia, and Wenatchee do not deserve a clean, efficient, and workable passenger rail system.

This is particularly true, Madam President, when we look at the fact that the bus system in the United States is crumbling also, right at this moment, as I speak. Where will the people go that cannot drive? And there are a substantial portion of them in the United States—no bus, no train, no horse, no buggy.

As we all know, Amtrak serves more communities than all the airlines combined, and in many communities it serves, there is no alternative air service provided.

With this veto, this administration expresses its insensitivity and lack of care not only for those living in rural and small towns in Washington State, but for a substantial number of elderly and low-income families who use passenger rail as their primary means of long distance transportation. With

little discussion, this President is saying, I cut you off.

Madam President, what will also be irrecoverably hurt if this veto is not overridden, are the many commuter lines who rely on Amtrak support.

Amtrak helps subsidize State commuter rail operations throughout the Northeast corridor by providing the majority of the base costs for maintaining the line. This impacts over 70 million passengers in Maryland, Pennsylvania, New Jersey, and Massachusetts.

Why am I interested in this fact? Madam President, I am in discussions with people in my own State to study the feasibility of developing such a commuter line between Seattle and Tacoma, WA, on current Burlington Northern lines. Support from Amtrak will, of course, play an integral part in this equation.

Commuters in the Puget Sound region of my own State demand immediate relief to an overwhelming gridlock problem. Commuter trains may be part of that solution. I hope they are. However, an Amtrak Presidential veto hurts this effort.

Madam President, I want to conclude by speaking to an item on this bill that I originally initiated and is of critical importance to the truckers and railroad workers primarily living in the eastern part of my State.

These workers are the backbone of eastern Washington State industry, transporting agricultural goods and other freight throughout the country. They drive the trucks and operate the trains that carry the food for your meals and wood for your homes.

For many years, Washington State truck and railroad workers have been unfairly taxed by some of our neighboring States. Though not residing in those States, these workers are taxed for merely traveling through on the way to their final destinations.

Madam President, this inequity had to be stopped. That is why I proposed and Congress accepted a provision in this bill that prohibited what I saw to be a double taxation. I have been joined in this by the junior Senator from my State, Senator GORTON.

If for no other reason, Madam President, it is important we override this veto to provide what is only fair and equitable to an important segment of our working force in this country.

Madam President, this body must act decisively. We must tell the President that the Federal Government has a role to play in providing service to small town America. We must tell the President that commuter needs must be acknowledged and met. We must tell the President truck and railroad workers deserve a fair break.

Madam President, we in the Senate must override this veto.

Madam President, I am a former Secretary of Transportation of the

United States. I remember this fight going back many, many years. Presidents have vetoed the Amtrak bill and Congress has consistently overridden it with the help of both Republicans and Democrats. They have overridden it because it is part of the transportation system of the United States and it has been part of the defense system of the United States, carrying many people and goods to many parts of our Nation.

I hope that the Senator from Nebraska is successful in his efforts to obtain a vote on this, to obtain a vote where we will override. I shall be joining him in voting to override this veto and establish Amtrak service once again in the United States on a firm basis.

I thank the Chair and I thank the manager of the bill for this time.

Mr. EXON. Madam President, I would like to respond to some of the comments and arguments made by my great friend and colleague from Missouri. I say that in all sincerity. Senator DANFORTH and I are working friends, close associates. I have a high regard for him both professionally and otherwise. He happens to be an ordained Episcopal minister and I am an Episcopalian.

We also have something else in common, even more binding I suggest than our religious faith, and that is that we are dedicated disciples of the St. Louis Cardinals. So whatever I say about the arguments that he has made, I only would point out that he is not only an ordained Episcopal minister, but he is also a graduate lawyer with some distinction. And I have often thought it places those of us who do not have that kind of training at a distinct disadvantage. Or, to put it another way, a combination of an ordained minister and a lawyer and a member of the bar association can oftentimes be a very dangerous mixture, especially when you get involved in debate.

I listened with great interest to the comments made by the Senator from Missouri. I would simply say that I think that he has blown all out of reasonable proportion the objections that he raised to the bill.

He took a great deal of time to explain the glories of the Interstate Commerce Commission of the past, and how people came in, probably by railroad, and went in high-priced automobiles over the ICC, where they had this room of grandeur. By implication, at least, he indicated the amendment that was primarily offered by Senator HARKIN, with which the President and Senator DANFORTH have taken keen exception, was going to reregulate the railroad industry. Simply said, that is nonsense. It is nonsense, if you looked at the provisions. It is nonsense to indicate that this was not considered by

the Commerce Committee in the U.S. Senate.

In fact, the measure that is being attacked by the manager of the bill on the other side was a measure introduced on a strictly bipartisan basis. Not only was Senator HARKIN involved but he had, as cosponsors to this legislation that is now being attacked—unfairly, I might add, as reregulating the railroad—Senator PRESSLER, Senator SIMON, Senator GRASSLEY, and Senator DASCHLE; I think a typical bipartisan approach.

It is interesting to note, is it not, Madam President, that all of those Members of the U.S. Senate come from rural areas. Why are people from rural areas so much concerned about the one item that the President has seen fit to establish as his reason for the veto? Because we rely on transportation in rural America to get the products and fruits of our farmers and ranchers into the processing factories, then into the stores of the people all over the United States of America who enjoy the good life, I might add because of the profits and fruits of the labor of those people who work so very hard.

Therefore, rail transportation from the very beginning has been a heartbeat, a lifeline, a if you will, for the people that live in that area. Why are they suggesting this very minimal provision? Certainly it is not to reregulate the railroad industry, as has been advanced by the reasoning of the Senator from Missouri. No way.

All this amendment does is to provide some very minimal, and, Madam President, I emphasize the word minimal, protection to see to it that rural America, and Americans as a whole, are not taken advantage of by Wall Street speculators or greenmailers or corporate raiders to the disadvantage of the people of the United States.

This is a very minimal provision. Let me outline it again as I did in my opening comments. All this does is, with respect to a class I railroad, of which there are only 16 in the United States, provide for an expedited, minimum public interest review, if some nonrailroad entity or person wanted to buy one of these railroads. The Senator from Missouri used as an example, suppose that Senator Exon had the money and the inclination to buy a railroad, why should he be prevented from doing that?

Well, his example was not very good. First, I do not have the inclination, and certainly I do not have the money. But using that as an example, as it was used by the Senator from Missouri, what possible reason would Senator JIM EXON have in buying a railroad, something which I know nothing about? And why would I invest my time and money that I do not have,

but if I had it, into something that I do not know anything about?

If JIM EXON were to buy the Union Pacific Railroad, for example, I think one would wonder, why is he doing that? I have no experience in stock raiding, not being a stock raider, not being one who tries to manipulate things, not being a greenmailer. But I think if I were, it should raise some concern someplace as to why someone without any interest in railroads would suddenly want to buy one.

The Senator from Missouri seems to think that is the free enterprise system; things working as they should. If somebody wants to buy something in America, they do it. It is the free enterprise system at work.

When we talk about such things as railroads, especially the class I railroads, the big railroads, there has to be and there obviously is a minimum consideration for the people that would be adversely affected. Not only the workers that work on that railroad, but more importantly, I suggest, the service that that railroad provides in any area of the United States.

So I think it was not proper and I hope no one is influenced by the argument that Senators PRESSLER, SIMON, DASCHLE, GRASSLEY, and HARKIN were out to create a new Taj Mahal and re-regulation of the railroad industry, as has been alleged.

Certainly that is not the case. I hope those Senators, before this debate comes to a conclusion, come to the floor and state that was not the reason. Nor would it be a result of this legislation if it were passed. Emphasizing again, Madam President, the interests of the community and the people suggest that the ICC simply take a look, if and when a class I railroad, of which there are only 16, if they were about to be purchased by a nonrailroad entity. The ICC can come in and take a look to see whether or not such a transaction could adversely affect the overall transportation system of the United States—certainly with regard to the areas where the railroad exists that might be purchased for reasons other than to be operating as a railroad.

Madam President, we have tried unsuccessfully to get a vote on this matter today. We have had several suggestions for time agreements, and it has not been possible to get those. The majority leader and the minority leader, have been over and talked on this matter. I have no problems with putting this matter off. I do not have any choice in it. We are not going to have a vote on it today. I did not set the time for the vote. As the chairman of the Surface Transportation Subcommittee I was asked to handle this override attempt by the chairman of the Commerce Committee and the majority leader, and I have been here discharging my duties.

I frankly feel quite optimistic, Madam President, if we could have this vote today, from the vote counting that I have done and the people I have talked to, I think we would have a reasonably good chance without any commitments, a reasonably good chance to override the veto of the President today. I hope we can hold those and override the veto next week, or next month, or next year, whenever we do get around to voting on this matter. I think it is a sad matter indeed when we find that we cannot carry on the functions of the U.S. Senate and work in a very timely fashion.

I suspect I cannot get this kind of commitment, though. I would leave any arrangements such as this up to the minority leader and majority leader. I believe as of right now, we could prevail in overriding the Presidential veto for all of the good reasons that have been explained here today. If we put this off until next week, I would hope, as a part of any unanimous-consent agreement, that we could get an agreement that the President nor any member of his cabinet would arm twist between now and next week or next month, whenever it is we get around to vote on this. But I suspect if for no other reason then it might be in the interests of the President and in the interests of trying to sustain his veto that this matter be put off as long as possible. That works to the disadvantage, Madam President, of those of us who firmly believe this veto should be overridden.

While I suspect if it is put off until next week, as it is likely to be, we will have to keep our vote counting, we will have to keep our contacts, we will have to keep close contact with those who have at least indicated a strong desire to override the Presidential veto notwithstanding the objection and the activities of the President of the United States and those under his direct charge who have been working full time to try to gather the small amount of votes that are necessary to sustain the veto.

With that, if there is no other Senator wishing to make any comment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, the pending business before the Senate is the veto of the Amtrak legislation by the President and the question before the Senate is should we override the veto.

Mr. President, I would like to lend my voice as the junior Senator from Maryland that we most assuredly do override the veto of the President because it is absolutely in our national interest to do so.

Mr. President, when I was a Member of the House of Representatives, for more than a decade I served on the Energy and Commerce Committee, and I was on the Railroad Committee. Now as a Senator I am on the Appropriations Committee and the Subcommittee on Transportation. The reason I am on that committee is because transportation is absolutely crucial to the economic development and the future of this country. Railroads are not a thing of the past. In fact, railroads are a means of transportation for the future.

When we take a look at how we can transport ourselves up and down the Northeast corridor, we already have congested airways. We have planes that do not necessarily land or take off on time. One needs only to try to take the shuttle into LaGuardia. It is like aeronautical cholesterol. The arteries and veins are clogged beyond belief and there is very little in the way of a bypass. However, Amtrak provides bypass surgery to get up and down this east coast corridor in a swift Metroliner.

I do not want to sound like an ad for Amtrak or Metro, but I can tell you we can leave Union Station and be in New York in 2½ short hours. I hope we would even think about how to do more rapid rail in order to go up and down the corridor in the way that our Japanese allies do with these bullet trains. It is important, if we are going to have commerce up and down this corridor and then into Boston and the New England States, to be able to have a reliable railroad transportation system. It is essential.

Also, Mr. President, as the Senator from Maryland, I worry about the commuters. In this country we worry about not only people having jobs but we want them to get to them on time and alive. The Amtrak rail system has provided much-needed commuter rail service back and forth between Baltimore and Washington. Our own dear colleague, Senator Joe BIDEN, does not want to live in Washington. He does not aspire to a Gucci lifestyle; he goes home every night. He rides Amtrak, as do many other Delaware people and as do many Marylanders.

Mr. President, when you ride the Amtrak—and I have done it—you see a lot of ordinary people who have a lot of ordinary Federal jobs who come to work out of Baltimore and other stations. They need that service to get here on time and get back home to Baltimore where you can buy a \$65,000 house for \$65,000, unlike in the Washington area where a \$65,000

house goes for \$320,000 when the market is down.

Now, we can provide housing, a qualified work force, but we have to be able to get them here, and we cannot do it just on roads. That is why Amtrak is absolutely important.

We subsidize every darned thing in this country. We have now reached a point where we have no-fault capitalism. America's private sector wants guarantees and subsidies for just about everything we do. If we are going to be in the subsidy business, why not subsidize those parts of our economy that then produce an even greater benefit, which is our transportation system. We subsidize highways and byways. Let us subsidize trains. We subsidize airports and airlines, pretty heftily, I might add, providing air traffic controllers and facilities and so on. Let us worry about the trains.

Let us worry about the trains. We have our precedents and we in Maryland have had our tussles with the Virginia people. Sometimes they take our oysters, and they claim credit for our crabs. But one thing we do know is over there in northern Virginia they need Amtrak to be able to get to work. So for those of us that are down the corridor, we are ready to settle our oyster wars and sports differences, and say certainly in the Northeast corridor we need Amtrak.

Let me close by saying I would like also, in addition to supporting the veto override, to support our majority leader's plea to keep the Senate trains running on time. I hope we can vote on this override tonight. There are many Senators who have compelling family needs and other responsibilities where they might not be here next week.

We are all here now. It is 10 after 5. We do not have to close up shop. We are not the New York Stock Exchange, though we trade in some pretty heavy-duty commodities. We could do this bill tonight. I hope we would heed the majority leader's plea. Let us vote on the legislation. Let the Senate work its will, and then keep not only Amtrak running but let us keep the Senate running.

Mr. President, I yield the remainder of my time. Though I have given this spirited speech, I note the absence of a quorum and ask you to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LIBERIAN FIGHTING

Mr. CRANSTON. Mr. President, as I speak, rebel troops in Liberia appear poised to launch a final offensive against the capital of Monrovia, where strongman President Samuel K. Doe still clings to power supported by several hundred well-trained soldiers. Despite the fact Doe finds himself in a desperate situation militarily, he apparently plans to try to hold on.

The civil war in Liberia has already cost hundreds, perhaps thousands, of lives. There are unconfirmed reports that rebel forces led by Charles Taylor's National Patriotic Front of Liberia have summarily executed hundreds of people from rival tribes.

But, Mr. President, lest people get the idea that the rebels are solely responsible for the ongoing massacre that is taking place, I commend to my colleagues a June 3, 1990, article by Washington Post correspondent Blaine Harden entitled "End of the Line for One of Africa's Worst Tyrants." Harden is currently "banned for life" from Liberia for his earlier dispatches from there.

Doe, Harden writes: "presided over a decade of secret executions and public cannibalism, rigged elections and raging egotism, mass minting of 'Doe dollars,' and the mass flight of financial institutions."

Liberia has long enjoyed a special relationship with the United States. Modern Liberia was founded in 1822 by freed United States slaves with the help of President James Monroe and financial assistance from the United States Congress. American firms are today the largest investors in Liberia.

As the Post's Harden notes:

This relationship was never more special than under Doe. In the years 1980-85, Washington gave his government more than \$500 million—more aid per capita than to any country in Africa, more aid than it saw fit to give Liberia in the entire 133 years between the country's founding and the night in 1980 when Doe's colleagues eviscerated then-President William Tolbert.

For five years, the American taxpayer subsidized one-third of government spending under Doe. The Reagan administration said it spent this money to protect American interests in Liberia (radio transmitters and airport rights) and to smooth a transition from military rule to elective government.

Efforts toward a democratic government stalled in 1985, when Doe rigged the very Presidential election he promised would put an end to de facto rule. Like what happened the year earlier in Panama, where military-backed Nicolas Barletta won office in a rigged contest, Doe claimed the mantle of democratic legitimacy.

In neither contest, not in Panama, not in Liberia, was there ever the slightest doubt about the fraudulent nature of the elections. To the public denunciations were added the private reports of our own diplomatic corps. "Having watched the farce first hand

in Liberia," Harden recalled, "a number of American diplomats there were outraged by their Government's acceptance of the fraud. 'It was one of those rare times when U.S. foreign policy could have made the difference,' said one senior diplomat who served in Monrovia during the election. 'We funded the election, we organized it, we supervised the voting, and then when Doe stole it, we didn't have the guts to tell him to get his ass out of the mansion.'"

Mr. President, there appears now to be an absence of any well-crafted policy by the administration on Liberia, as well as the failure to articulate a new policy now. It is true that, prodded by Congress, United States aid to Liberia has dropped significantly in the past 5 years, from \$77.5 million in military and economic assistance in 1985 to \$11.8 million this year. But there does not seem to be any effort at finding creative policy alternatives—options that will lead Liberia back to the road of democratic development.

Our long-time association with Doe and his henchmen certainly appears to limit our policy options today, just as our long-time link to Panama's Manuel Noriega finally brought us to the point of having to invade that nation. The use of elections as democratic window dressing on the part of the Reagan administration has come back to haunt us now. The folly of such a course is evident in our failure to move quickly and correctly to aid our real historic friend and ally, the people of Liberia.

I believe the United States still can play a constructive and activist role. First to help staunch the bloodshed; then to assist Liberian democrats reconstruct their country and the fabric of their society, a fragile cloth today rent as never before by tribal conflict.

Mr. President, there are legitimate questions that have been raised about the democratic credentials of rebel leader Taylor. Critics say—though he denies it—that his rebellion has received aid from the terrorist state of Libya. They point out that Taylor is a former Doe adviser who fled Liberia after being accused of embezzling hundreds of thousands of dollars from the government. And, until a few days ago, Taylor himself appeared none to anxious to call elections after his troops are victorious.

It was reported today that Taylor has outlined a future for Liberia that includes democratic elections, free enterprise, and a nonaligned foreign policy. It is also clear that he hopes to rely on continued financial support from the United States and other Western countries.

Mr. President, it is imperative that the administration give the current situation in Liberia the attention it deserves.

Today there are United States warships off the coast of Liberia, waiting to evacuate American nationals and others. Mr. President, it is essential that this situation be closely monitored. If it becomes necessary that United States troops be used to safeguard the lives of American citizens, all efforts must be made so that our soldiers do not become involved in the conflict.

Liberia's need for continued economic assistance offers the United States an appropriate level to ensure that democratic reforms are carried out, not just promised. It must be stressed to the government which is formed from the current crisis that reprisals and revenge against the vanquished are unacceptable. It must also be made clear that, despite United States policy errors in the past, good relations with the United States depend on the Liberian leadership announcing a reasonable electoral timetable, and then adhering to it.

I urge my colleagues to join me in expressing concern to the administration about this urgent problem.

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

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

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. 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. METZENBAUM. Mr. President, I ask unanimous consent the Senate revert to morning business for a period not in excess of 10 minutes.

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

The Senator from Ohio.

BARBARA BUSH'S SPEECH AT WELLESLEY COLLEGE

Mr. METZENBAUM. Mr. President, on Friday, June 1, the First Lady, Barbara Bush, gave a commencement address at Wellesley College. I thought it was a good speech, a good address.

The speech embodied some sage and serious advice to the graduates about getting involved in the big ideas of our age, about the importance of human relationships, and the value of diversity in society.

But the speech also offered a light-hearted, yet profound, admonition to the graduates of Wellesley—that they should not allow the swirl of education, career, and service to obscure one of life's most important opportunities—the experience of joy. After all, life is meant to be fun.

I could not agree more, Mr. President, and, as a reflection of the First Lady's attitude toward her own life—one that entails enormous pressures

and responsibilities—that she should emphasize the value of joy in human existence.

Washington is a hectic place where the human perspective is easily dwarfed by big events and powerful people.

We could all benefit from the advice and perspective offered by Mrs. Bush in her speech, when she said:

At the end of your life, you will never regret not having passed one more test, not winning one more verdict or not closing one more deal. You will regret time not spent with a husband, a friend, a child or a parent.

In her speech, Mrs. Bush encouraged young people to think big, beyond their own self-centered interests. She said:

I hope that many of you will consider making three very special choices. The first is to believe in something larger than yourself . . . to get involved in some of the big ideas of your time. I chose literacy . . . early on I made another choice which I hope you will make as well. Whether you are talking about education, career or service, you are talking about life . . . and life must have joy. It's supposed to be fun!

The third choice that must not be missed is to cherish your human connections: your relationships with friends and family . . . one thing will never change: fathers and mothers, if you have children . . . they must come first. You must read to your children, you must hug your children, you must love your children.

Mr. President, I particularly enjoyed the First Lady's speculation on the gender of the future occupant of the White House.

Somewhere out in this audience may even be someone who will one day follow in my footsteps, and preside over the White House as the President's spouse. I wish him well!

Mr. President, I like Barbara Bush. I respect Barbara Bush. And I think Americans stand just a little bit taller because of Barbara Bush.

Mr. President, I ask unanimous consent that the entire text of the First Lady's speech be printed in the RECORD.

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

TEXT OF MRS. BUSH'S REMARKS AT WELLESLEY COLLEGE COMMENCEMENT, JUNE 1, 1990

Thank you very much. Thank you President Keohane, Mrs. Gorbachev, trustees, faculty, parents, Julie Porter, Christine Bicknell and, of course, the Class of 1990. I am thrilled to be with you today, and very excited, as I know you must all be, that Mrs. Gorbachev could join us. This is an exciting time in Washington, DC. But I am so glad to be here. I knew coming to Wellesley would be fun, but I never dreamed it would be this much fun.

More than ten years ago when I was invited here to talk about our experiences in the People's Republic of China, I was struck by both the natural beauty of your campus . . . and the spirit of this place.

Wellesley, you see, is not just a place . . . but an idea . . . an experiment in excellence in which diversity is not just tolerated, but is embraced.

The essence of this spirit was captured in a moving speech about tolerance given last year by the student body president of one of your sister colleges. She related the story by Robert Fulghum about a young pastor who, finding himself in charge of some very energetic children, hits upon a game called "Giants, Wizards and Dwarfs." "You have to decide now," the pastor instructed the children, "which you are . . . a giant, a wizard or a dwarf?" At that, a small girl tugging at his pants leg, asked "But where do the mermaids stand?"

The pastor told her there are no mermaids, and she says, "Oh yes there are," she said, "I am a mermaid."

Now this little girl knew what she was and she was not about to give up on either her identity or the game. She intended to take her place wherever mermaids fit into the scheme of things. Where do the mermaids stand . . . All those who are different, those who do not fit the boxes and the pigeonholes? "Answer that question," wrote Fulghum, "and you can build a school, a nation, or a whole world."

As that very wise young woman said . . . "Diversity . . . like anything worth having . . . requires effort." Effort to learn about and respect difference, to be compassionate with one another, to cherish our own identity . . . and to accept unconditionally the same in others.

You should all be very proud that this is the Wellesley spirit. Now I know your first choice today was Alice Walker, known for *The Color Purple*. And guess how I know?

Instead you got me—known for . . . the color of my hair! Alice Walker's book has a special resonance here. At Wellesley, each class is known by a special color . . . for four years the Class of '90 has worn the color purple. Today you meet on Severance Green to say goodbye to all of that . . . to begin a new and very personal journey . . . to search for your own true colors.

In the world that awaits you beyond the shores of Lake Waban, no one can say what your true colors will be. But this I do know: You have a first class education from a first class school. And so you need not, probably cannot, live a "paint-by-numbers" life. Decisions are not irrevocable. Choices do come back. As you set off from Wellesley, I hope that many of you will consider making three very special choices.

The first is to believe in something larger than yourself . . . To get involved in some of the big ideas of your time. I chose literacy because I honestly believe that if more people could read, write and comprehend, we would be that much closer to solving so many of the problems plaguing our society.

Early on I made another choice which I hope you will make as well. Whether you are talking about education, career or service, you are talking about life . . . and life must have joy. It's supposed to be fun!

One of the reasons I made the most important decision of my life . . . to marry George Bush . . . is because he made me laugh. It's true, sometimes we've laughed through our tears . . . but that shared laughter has been one of our strongest bonds. Find the joy in life, because as Ferris Bueller said on his day off . . . "Life moves pretty fast. Ya don't stop and look around once in a while, ya gonna miss it!"

I won't tell George that you applauded Ferris more than you applauded him!

The third choice that must not be missed is to cherish your human connections: your relationships with friends and family. For several years, you've had impressed upon

you the importance to your career of dedication and hard work. This is true, but as important as your obligations as a doctor, lawyer or business leader will be, you are a human being first and those human connections—with spouses, with children, with friends—are the most important investments you will ever make.

At the end of your life, you will never regret not having passed one more test, not winning one more verdict or not closing one more deal. You will regret time not spent with a husband, a friend, a child or a parent.

We are in a transitional period right now . . . fascinating and exhilarating times . . . learning to adjust to the changes and the choices we . . . men and women . . . are facing.

As an example, I remember what a friend said, on hearing her husband complain to his buddies that he had to babysit. Quickly setting him straight . . . my friend told her husband that when it's your own kids . . . it's not called babysitting!

Maybe we should adjust faster, maybe slower. But whatever the era . . . whatever the times, one thing will never change: Fathers and mothers, if you have children . . . they must come first. You must read to your children, you must hug your children, you must love your children.

Your success as a family . . . our success as a society . . . depends not on what happens at the White House, but on what happens inside your house.

For over 50 years, it was said that the winner of Wellesley's annual hoop race would be the first to get married. Now they say the winner will be the first to become a C.E.O. Both of those stereotypes show too little tolerance for those who want to know where the mermaids stand. So I want to offer you today a new legend: The winner of the hoop race will be the first to realize her dream . . . not society's dream . . . her own personal dream. Who knows? Somewhere out in this audience may even be someone who will one day follow in my footsteps, and preside over the White House as the president's spouse. I wish him well!

The controversy ends here. But our conversation is only beginning. And a worthwhile conversation it has been. So as you leave Wellesley today, take with you deep thanks for the courtesy and the honor you have shared with Mrs. Gorbachev and me. Thank you. God bless you. And may your future be worthy of your dreams.

AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT—VETO

The Senate continued with consideration of the message from the House.

Mr. BRADLEY. Mr. President, Amtrak is important for New Jersey, and continued support of passenger rail in America is important for the Nation. Not only does Amtrak provide transportation links between New Jersey cities and other urban centers, it provides essential alternatives to travel by car for New Jersey commuters, and for people visiting Atlantic City.

The Senate recently passed far-reaching clean air legislation. New Jerseyans, like other Americans, are demanding that we take better care of the environment, and clean up the air that we breathe. Amtrak's commuter

rail systems, which carried more than 14 million passengers nationwide in 1988, encourage nonautomobile commuting, thus reducing the number of cars on the road and reducing road congestion. Fewer cars on the road, and fewer traffic jams reduce air pollution. After working so hard to pass legislation to clean the air it would be ironic to abandon Federal funding of Amtrak, and thereby take a major step backwards toward poorer air quality.

Amtrak has been steadily improving its financial health, and steadily reducing its reliance on public support. Allowing public funding of Amtrak to lapse at this time would threaten an increasingly successful enterprise that provides needed services to millions of Americans. In 1988 69 percent of Amtrak's budget came not from Federal subsidies, but from Amtrak revenues. A decade ago, less than half of Amtrak's operating funds were raised by the railroad. Amtrak trains now carry an average of 189 passengers over each mile they travel, and total passenger miles on Amtrak trains have climbed almost 20 percent since 1981. More than 30 million passengers rode the rails with Amtrak in 1988. The passenger rail system is, and must continue to be an integral component of the economy and transportation network of the Nation, and of New Jersey.

Mr. GORTON. Mr. President, today the Senate is considering the President's veto of H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. I will vote to sustain the President's veto of this bill.

Supporting the President's veto was a difficult decision for me to make. This bill contains a very important provision I coauthored which will provide for rail and motor carrier transportation workers who work in two or more States to pay State taxes only in their State of residence. Unfortunately, the bill also includes a provision which was added by the House that would require for the railroad industry alone, Government review and approval of acquisitions by nonrailroad competitors. This would be such poor public policy that the President was forced to veto the bill based upon this single provision.

Mr. President, I am hopeful that the President's veto will be sustained and that the Congress will simply strip the ICC provision and send back the remainder of the bill to the President. I have been personally assured in a letter dated June 5, 1990, from OMB Director Richard Darman, Chief of Staff John Sununu, and Secretary of Transportation Sam Skinner that the President will approve Amtrak legislation similar to H.R. 2364 once the ICC provision is removed. The letter states:

The President has indicated that he would sign a bill similar to H.R. 2364, which would include the Amtrak authorization levels, modified tax treatment of transportation

employees, and provision for commuter rail service to northern Virginia.

Mr. President, I appreciate having the administration's assurance that the President will support the State taxation provision. Enactment of this provision will provide needed relief for Washington State's railroad and motor carrier workers.

Mr. METZENBAUM. 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. SIMPSON. 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.

THE OMNIBUS CRIME BILL

Mr. SIMPSON. Mr. President, while the negotiations go on with regard to the crime reform package—and I feel we have made some great strides—I think we can go forward to something. That is certainly our hope on our side, that we can move on. We all know the worth of what we are trying to do and get to a limitation of amendments. We think we can do that. Of course, that will be painful. Many people have had many amendments.

EXTENSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President, let me ask unanimous consent that we revert to the order of morning business.

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

FUNDING FOR NEA

Mr. SIMPSON. Mr. President, again speaking about the criminal code, which is not before us, the pending business is the Amtrak veto measure, but in any event we hope that we can get to the things we all know we want to get to in the crime package. This would be the reform of the habeas corpus, which is in the bill; the issue of the death penalty, as amended by the Senate in working its will; issues of the exclusionary rule; issues of money laundering; the issue of Justice Department authorization. I think we can come to those things and move on with that measure next week. We will be working toward that end. Democrats and Republicans alike know the worth of having a criminal reform bill.

But the purpose here in morning business, Mr. President, while we await these things and a decision from the leadership as to the next items on the agenda and the schedule, I would like to speak on the subject which seems to be inspiring an overample supply of hysteria and histrionics and

high melodrama. The motivation for these wails and breast-poundings and plaintive laments, I am sorry to say, is nothing so critical as the plight of Lithuania, nor our staggering debt burden, nor even the criminal reform. No, the subject is the "opera bouffe" incredibly known as the reauthorization of funding for the National Endowment of the Arts.

Somehow, Mr. President, this matter of funding for the Arts Endowment has been elevated to a topic of considerable controversy. We know Washington—the occupant of the chair and those of us in the Chamber—and we know the media. We have had people down here on the floor before and out in the world crying "censorship" and "beware of the thought police" on the one hand, and on the other of being told that the NEA is somehow "anti-Christian." That is not my quotation. I suppose it would be antireligious all around and that all funding should be cut off entirely.

I think really all of that is inane. I really do. I think it is silly on both sides. I think we should at this time inject what I hope would be a small jolt of common sense into this impassioned and I think often irrational debate on this issue. We surely all now know of the events which lie at the heart of this imagined controversy.

They were a couple of exhibits which were funded—at least in part—with taxpayer money, provided via the National Endowment. There should not be any lingering debate over that issue. It was a bad mistake. The NEA has admitted it was a mistake, we in the Congress said it was a mistake, and many of the public darn well feel that it was a mistake as well. I call it a mistake. These works by Mapplethorpe and Serrano were irrefutably obscene; the public paid in part for their display, and they were offended to discover that. Congress then looped \$45,000 off of the NEA's \$171 million budget—that is less than one-thirtieth of 1 percent—real chicken feed in the grand scheme—and declared that Federal funding will not be used to support displays which are obscene.

Here is the actual language which we used to do that: We prohibited the use of any appropriated funds "to promote, disseminate, or produce obscene materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children, or individuals engaged in sex acts." In other words—if it does not even qualify for first amendment protection, it sure does not qualify for the Federal bucks.

Despite some of the shrill voices we have heard howling in protest in the wake of that decision, I believe it was an appropriate response. People who want to view that stuff all day—and I am not one of them—are, and should be, perfectly free to do so in any pri-

vate or public setting. The restriction placed on Federal arts funding—no obscenity—is only that applied legally by the U.S. Supreme Court. And the public got their message across—that \$3 trillion of Federal debt is bad enough for them without their Government spending more money on that stuff which offends them.

But enough of that. Today I wish to also speak about the zealots on the other side—those who have been urging a complete cutoff of all Federal funding for the arts endowment. The bloodletting we did last year isn't enough for them—the sharks smell the blood and the feeding frenzy has begun. By running full-page ads in our daily papers, playing fast and loose with the facts, they have sought to portray the NEA as some kind of Satanic conspiracy, hell-bent on destroying the foundations of all of Western civilization.

I am receiving calls from some constituents wanting to know just why we have set up this Endowment to do nothing but support obscenity and profanity. That is the way they are being portrayed. I am sorry to have to remind everyone of what the NEA really is—a worthwhile, vital, and necessary organization that has made a couple of bad mistakes. As others have. As HUD has. As Congress has. As Congressmen and Senators have. As I have. If cutting off all funding is the penalty for that, well, that is a standard which everyone in the Congress itself will fail to meet.

I say "a worthwhile, vital, and necessary organization," and I mean just that. There is not a Senator who serves here whose constituents have not been provided with exhibitions of art and culture which simply would not have been possible without Endowment support. In my own State of Wyoming, for example, our Buffalo Bill Historical Center in Cody draws valuable support from the arts endowment. The center has a wonderful Plains Indian Museum which houses a stunning collection of native American artifacts, artworks, and memorabilia which were given to Buffalo Bill Cody during his lifetime.

In addition, the center houses the entire collection of the Buffalo Bill Museum, which stands today as a tribute to the remarkable William F. "Buffalo Bill" Cody, that great scout of the West whose story has grown to almost mythical proportions. Materials which he collected while traveling with his Wild West Show—gifts from kings and queens of England, Italy, Bavaria, and all throughout Europe—are there at the museum for people to observe and admire, and some 250,000 people a year do so. That is larger than the admission at many huge metropolitan museums.

Also at the center is the Whitney Gallery of Western Arts which dis-

plays a magnificent collection—works by Charlie Russell, Frederic Remington, Albert Bierstadt, Thomas Moran, Harry Jackson, and so many more—who painted the old West as they saw it and preserved pieces of it for us to experience today. These are wonderful exhibits, every one of them, and although the vast bulk of the support is private, the NEA kicks in with their own support of the projects—\$13,700 last year—not much to others, but to museums in rural areas, in places far removed from the markets of trade, a significant amount.

Our fine Art Museum at the University of Wyoming has also received a tremendous boost from the NEA. The \$400,000 granted in fiscal year 1989 for the construction of a new art museum facility right there in Laramie represent the largest single slice of NEA funding for our State, and it was a very appropriate place to put it. That is another venerable and remarkable institution in Wyoming. Within a few more months it will house the Wyoming Heritage Center, a repository for the history of our State, and its wonderful university and its traditions and industries, its resourceful people and their pioneering spirit—a place where people will be able to go to get a vivid sense of the forces that have shaped our remarkable State. Soon it will certainly be a Wyoming institution in the other sense as well. The Grand Teton Music Festival in Jackson, WY, where the New York Philharmonic was in residence 2 weeks last year, and they do not do that ordinarily. We were so proud to have them there. I am proud to be associated with that, and it also receives a measure of support annually from the NEA—\$16,000 in fiscal year 1989. And even within my own State the list goes on and on—12 grants last year alone, totaling \$883,300.

The NEA has supported cultural activities and events in locales ranging from the largest American cities to the most remote of rural areas. A major cultural center currently enhances the lives of the residents of Bedford-Stuyvesant in New York City, thanks to the support the NEA has given to the Bedford-Stuyvesant Restoration Corp. The cultural center there sponsors writers' workshops, poetry readings, literary events, and exhibits works by artists from all over the world. Recently, four poets from Leningrad have been invited to the center to lecture and present their works, an event which no doubt would be very unlikely to occur were it not for NEA support.

And in Alaska, we see the NEA bringing cultural entertainment to the fairly remote island communities of Ketchikan and Metlakatla. The experience of a circus is being brought to the children there, kids are getting to work with circus artists and learning performing techniques, and a little

circus history as well. I cannot imagine that the circus is going to come through there too often without some Federal support. Thanks to the NEA, it has.

One of the most endearing aspects of American history has to be the great diversity of cultures which existed in this Nation before the homogenizing influences of the mass media took place. I think that it is so very beneficial for our children to be familiar with the folk histories of their respective regions, and the NEA is helping to make that happen. The North Carolina Maritime Museum, one such center supported in part by the NEA, documents and presents traditional arts from the North Carolina coastal region. These and other exhibits throughout the entire land help to keep the memory of our various folk histories alive and vibrant.

So, really, there is no sensible reason for this one-sided and paranoid portrayal of NEA's activities. I say "sensible"—as there will always be the senseless reasons of fear, suspicion, and prejudice for this sort of thing. But it is all particularly inappropriate at this time, especially since some concrete steps have now been taken to ensure that the funding decisions of the endowment are supportive of the higher goals which we as a society are pursuing. We have an independent commission set up to study the NEA's peer panel review process. They met yesterday for the first time. And we have a very capable, trustworthy, sensitive, and accessible chairman in the person of one fine human being, John Frohnmayer. His wife Leah, too, adds a real touch of grace and civility to our Federal city. They both deserve a better welcome than they are getting. I can tell you that. I have not the slightest doubt whatever but that John Frohnmayer will do an outstanding job at the endowment, if we will just leave him alone long enough to do it. Let me read from a letter which I received from John Frohnmayer the other day. It says:

I oppose obscenity unequivocally. Obscenity is the antithesis of art: it has no soul; it has no redeeming value; and it will not be funded under my administration.

That, in my mind, is a pretty concise and complete statement of what we can expect from our fine NEA Chairman, and as far as I am concerned it should close the issue. Not only have we already dealt with the obscenity question satisfactorily, but moreover all of this hand-wringing and hyper-ventilating has to be interfering with the ability of the endowment to do its job right. Ever since John Frohnmayer agreed to step into the hot seat this good and sincere man has had to respond to sordid attacks and vapid criticisms from every corner; and yet my own inquires—and I know yours, too—have been answered with such

thoroughness and punctuality that I can only believe that tremendous energy and effort is being expended over there to deal with these constant, half-hysterical questions.

In my mind it is high time that we allow John Frohnmayer a graceful exit from the spotlight so that he can do the job he was appointed to do—and will do thank you very nicely—to the benefit of all of our constituents. Obviously we cannot control what others say and write about John Frohnmayer or the Endowment—but if we can only bring ourselves to forgo a thundering speech or two on this subject or a few gasps of rhetorical excess in the coming weeks and months I think we will be doing Mr. Frohnmayer, ourselves, and our constituents and the world of art, culture, and letters a remarkable favor. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DESPITE PRESIDENT'S STEEL PROGRAM, SUBSIDIES CONTINUE

Mr. HEINZ. Mr. President, I would like to take a few moments of our colleagues' time to discuss some events that have transpired since the time early this year, March 31, to be precise, that the President implemented the steel voluntary restraint agreement program. As our colleagues will recall, the President decided to extend that program through March 31, 1992, and the major policy debate over steel was therefore temporarily concluded last year.

During what will amount to a 30-month transitional period, the President pledged to seek an international consensus on removing unfair trade practices in steel, thus allowing a return to a free and fair U.S. market for steel at the end of the transition period.

I take the floor today because I want to report that substantial obstacles to the achievement of this goal still remain and that a consensus on good behavior is far from imminent. In January of this year, the six leading American steel companies commissioned two independent analysis firms to evaluate the performance of some 21 nations and to do so with regard to their bilateral consensus agreements with the United States. Since many of the principles on which the President hopes to build an international consensus on steel are contained in these bilateral agreements, it would be most disconcerting to learn that most of the 21 are violating their pacts.

Yet disconcerting as it would be to learn that, that is precisely the message of the recently released report, "Steel at a Glance." It documents the violations of the various countries, some less flagrant than others, but all impediments to obtaining a worldwide

accord. I would like to focus particularly on subsidies, since they are far and away the most widespread infraction and thus the largest obstacle to be overcome. I want to bring these infractions to the attention of the Senate in a series of statements, of which today's is the first.

My comments will highlight the use of subsidies in the international steel market and the problems this unfair practice causes for our domestic steel industry. Today's subsidy of the day comes from Brazil. The subsidization of steel production continues to run rampant in this country despite recent changes in economic policy. According to "Steel at a Glance":

Acominas, a state-owned integrated mill, transferred a large part of its debt to government-owned Siderbras under a "financial reconstruction" agreement. Other operating companies reportedly have done the same, thereby improving their financial performance.

Furthermore, it turns out that Siderbras is itself being dissolved during President Collor's restructuring of the Government. Instead, the holding company's debt, totaling nearly \$13 billion U.S. equivalent, will be administered by the Banco de Brazil under the auspices of the Economic Ministry. That means the Government will also take on the financial rescue packages offered by Siderbras to two other ailing state-owned mills, Cosipa and CSN. These packages will provide \$400 million and \$600 million, respectively.

These are conclusive examples that Brazil is continuing its subsidy practices notwithstanding its agreement with the United States. And these practices, directly affect the welfare of the U.S. industry and workers, for they help to keep inefficient producers in business by covering much of the Brazilian industry's operating costs and by adding to the problem of worldwide overcapacity. If this situation had been pursued under our law, I am confident that a subsidy would have been established.

The administration has not been good over the years at regularly reviewing trade agreements after they are reached to see if they are being properly implemented. That is why Senator Baucus and I and others have introduced the Trade Agreements Compliance Act—to create a regular process for periodic trade agreement review. It is apparent that we are going to have a number of major problems with compliance with these steel agreements, and I call on the administration and the U.S. Trade Representative in particular to increase efforts to eliminate such violations and to form an equitable and workable international consensus. The survival and competitiveness of the American steel industry depends on exactly that kind of vigilance by them.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I believe the pending business is the veto override; is that correct?

The PRESIDING OFFICER. We are in a period for morning business with Senators permitted to speak therein.

LONG-RANGE PROBLEMS

Mr. BUMPERS. Mr. President, I was just going to make a few comments. I understand we have Senators who are trying to reach a time agreement on the so-called blind air passenger bill to prohibit discrimination against blind persons riding on airplanes; the veto override; the CFTC versus SEC bill, whether or not SEC is going to regulate futures trading which is now regulated by the Commodities Futures Trading Commission. I do not know whether we are going to have any more votes tonight or not. I would guess not. But, then, I do not know. That is the majority leader's decision.

But, as I was sitting here, I was thinking, while those negotiations are going on, we seem to have a difficult time getting anything going. We could not pass the crime bill because we did not have 60 votes to close down a filibuster. And the crime bill, I thought, was very important. I would have thought the crime bill was as important to the people on the other side of the aisle as it was to the people on this side. But everybody could find something wrong. And there were a few people who were opposed to the death penalty and voted against cloture because they felt like that would be voting for the death penalty.

There was another group, I guess, who took strong exception to the elimination of the automatic assault weapons. It was a very close vote; the Senate voted 50 to 49 to ban nine automatic assault weapons. There are only about 750 weapons that would still be available for purchase. Every law enforcement organization in the United States strongly lobbied for that bill.

We have just returned from a recess and not very much has happened this week. I will tell my colleagues a couple of things that did happen. Three million new mouths were born on the planet, to be fed. One million acres of tropical rain forests were cleared. Think about those two issues alone and what they mean collectively. Think about the clearing of the tropical rain forests, and the impact it has

on global warming. Think about the fact that we already have 5 million people on the planet. We add 100 million people a year and added 3 million just during our recess. Those two things work at cross purposes. The more people we have, the more pressure there is for slashing and using timber and wood to cook with or for energy and the more pressure there is to clear land to plant more food to feed those extra mouths. Robert Wright says that this planet can only sustain 1.2 billion people in perpetuity and we sailed past that figure before the turn of the century.

The truth of the matter is, one of the reasons we do not focus on these problems is that the red lights on the cameras have not focused on them. These long-range, colossal problems are very difficult to deal with because there is no political advantage. Nobody is going to get reelected because he is concerned about the population increase on the planet. Nobody is going to get reelected around here because he is concerned about the burning and the slashing of the tropical rain forests, which is so important to dealing with the global warming problem.

So, like today's deficit, like today's environmental concerns, we will wait until the crisis comes and then we will start trying to deal with it. But we will have lost so many years when we could have been dealing with it and mitigated the damage.

In my opinion, and this is just a philosophical view, all of these problems we are talking about are due to congestion and poverty. For example, and you do not have to be a rocket scientist to figure this one out, drug use among college graduates is declining. Drug use among people who make over \$50,000 a year is declining. Drug use, especially in the inner cities, where poverty is pervasive, is soaring. That is not hard to figure out, is it? And consider what volatility and congestion have done to the crime rate. Last year there were 40 times more murders committed in the United States than in all of Western Europe and Japan combined, though they have 100 million more people than we have. There were more murders committed in Washington, DC, last year than in all of Western Europe and Japan.

We have postponed dealing with the deficit for several years now. We have these summiteers who are meeting just off the floor of the Senate every day. I do not know what kind of progress they are making.

It seems to me that the President certainly does not want to raise taxes. The Members of this body, on the other side of the aisle at least, are wearing buttons saying, "Keep the pledge." In other words, do not raise

taxes. The Democrats are saying, "Be my guest."

Here are the numbers. Here are the real numbers, Mr. President. Not counting what it is going to take to bail out S&L's next year, but counting the trust funds which we use in the consolidated budget, the real deficit next year is about \$285 billion. Add the S&L bailout, and the real deficit is \$337 billion.

There is one thing that has been reported in the press. I think these meetings of summiteers are closed, so I am not revealing anything. I am telling you what I read in the Post and the Times. One of the things the summiteers are debating is whether or not we should try to reduce the deficit by \$50 billion next year, or \$60 billion. That is a legitimate debate, considering the fact that the economy in the first quarter, was growing at a rate of about 1.1 percent.

When you have an economy growing at 1.1 percent, you have to be very cautious, certainly, about any kind of a tax proposal. The economy is already headed south. The deficit is headed north. If you want to escalate the southward movement of the economy, just put a big tax on it.

But you think about this, Mr. President. We are talking about a real deficit of \$335 billion, and yet we now find ourselves having postponed dealing with it during the really prosperous times of the last 9 years. Now the economy is stagnant, and you do not dare impose a tax increase on a stagnant economy.

You compound that problem with this: In Japan, interest rates have been going up. They are buying up American debentures. U.S. bonds and Treasury notes have been going down. They would just as soon buy their own debentures if their interest rate was as good there as it is here, and it is almost as good. You have to have a 2- or 3-point differential to attract the Japanese to our auction window on Tuesday mornings.

So you figure it out. We do not have anything like enough savings in this country to finance a \$335 billion deficit.

The classic economic theory is that if the Government spends more than it takes in and there is not enough savings to make up the deficit, then the Government must start printing money. The inflation goes up, interest goes up, and the economy goes down. That is called stagflation.

The reason we have not experienced that in the last 9 years is because we have been helped by the Germans and the Japanese and the Middle Eastern countries, such as Saudi Arabia, who have been buying our notes, our debentures. That is all it amounts to.

So now you have all of these things coalescing. What you have coalescing

is the Japanese finding other markets that are more attractive, and they are not going to buy our bonds, at least to the extent they have in the past. You cannot raise taxes because you have a stagnant economy or one that is not growing very much. So it is a very difficult thing.

I feel sorry for the summiteers. But we are right to say that we have procrastinated too long.

You know the great Biblical story about Joseph telling the Pharaohs in Egypt:

You are going to have 7 years of good weather, bountiful crops, and then you are going to have 7 years of famine and want. So I am your sage, your seer, and I am telling you: Save up your grain for this 7 years so you will be prepared for the 7 years of no rain.

It is a very simple little philosophy. I was taught as a child to save money for those rainy days, and I did it. I have had plenty of tough times in my life, but I always tried to have at least one hole I could get out of. I always had some money set aside somewhere, because that is what I was trained as a child to do.

What have we done? During the very most prosperous years of the history of this country, we not only did not raise taxes, we cut taxes; we doubled defense spending, and now we have a \$3 trillion debt which represents about \$14,000 for every man, woman, and child in America, as opposed to about \$4,000 in 1981.

Mr. President, I remember when Jimmy Carter was President of the United States, and he and Ronald Reagan were opposing each other in 1980. I remember in September 1980, we thought the deficit was going to be \$35 billion that year, the last year of Carter's term; \$35 billion we thought it was going to be, and everybody was panicked.

I will never forget that September evening. Then-candidate Reagan looked into the lens of the camera and said:

Mr. President, if you cannot balance the budget, move over and let me in, because I can.

So what was the theory? The theory was that if you cut taxes by 30 percent and just turned this vibrant economy loose, we would grow into a balanced budget and we could double the defense budget at the same time.

I have said this on the floor before, but it is worth repeating. An old man in my State, about 84 years old, when he heard candidate Reagan, said:

What a dynamite idea. I wonder why nobody thought about that before?

We did it, and we are now \$3 trillion in debt. My 11-month-old grandson now is going to be expected to pick up the tab, and he was not even invited to the party.

If the President is really serious about trying to deal with the deficit,

he will get a lot of cooperation over here. But he must lead.

The President simply cannot state the magnitude of the problem.

I saw a story in the New York Times the other day which quoted President Bush as saying, in response to those who said, "Mr. President, first of all, tell us how you view the problem; what is the magnitude of the problem?"

The President said, "I cannot tell you that."

They said, "Why not?"

He said, "I am afraid it will scare Wall Street."

The guy on Wall Street said, "That statement scares me to death."

Incidentally, when it comes to Wall Street, I watched the last 2 or 3 weeks as the markets just soared over 2,900, headed for 3,000. It has been declining the last 2 or 3 days, and it is back down around the 2,900 range. I watch that market and I think they must know something I do not know. They are not looking at the same figures at which I am looking. Either that, or they are assuming that something is going to happen here, which I must say is a very risky assumption.

I tell my colleagues, we all have obligations, but the President has the chief obligation. You do not go out and run for President and say, "I want to lead this great Nation," and then when you get the job say, "I just want to tell you what the problems are. You guys over in Congress are going to have to solve them."

That will never work, Mr. President. You have 535 diverse men and women in Congress, and they can only get together on a problem of this magnitude under the leadership of the President.

Our political process is in some difficulty because of money, and we cannot agree on campaign finance reform. We cannot even set limits on how much people can spend in an election. Probably it is to my benefit as an incumbent not to have a limit. Incumbents can always raise more money than challengers—not always but most of the time they can. And people do not pay much attention to the political process in this Nation. What a travesty.

I have made lots of graduation speeches, Mr. President, over the last 3 weeks. I love doing that. The one thing that I really enjoy doing more than anything else is graduation speeches because it gives me an audience of young minds that are still in the molding state, both at the college and high school levels. I talk to them a lot about the Constitution and how the Constitution provides all these wonderful freedoms and rights, but it is not all take; there is a lot of give.

The give is to participate intelligently in the political process. I was most encouraged, Mr. President, to see in the paper this morning that the high

schools of Milwaukee, in the Presiding Officer's beloved State, has a program for registering youngsters to vote when they are 18 years old. And they do more than just register them. They also teach them something about the political process and what it means when they sign their names on the registration forms.

It is like vaccinations. You can give a child one measles shot, but if you do not follow that up with another one, you are going to get measles. When my wife, Betty, was trying to immunize all the children in this country, the thing she hammered on more than anything else is the followup. Just to give children one shot on most diseases is not enough; you have to have a followup.

So it is with the political process and these youngsters. They have to understand that just registering is not anything in and of itself. Voting and participating, and voting and participating intelligently, is what is important.

I was in Leipzig, Germany, just before the East Germans voted. Actually, it was their election to kick the Communist Party out and form their own democracy. Those people were so rhapsodic about the right to vote, the first election in Leipzig in 60 years. Three days later, I think 93 percent of the people in East Germany voted. It is just like everything else. If you lose your health, you really appreciate it. You lose your freedoms, you really appreciate them. And the East Germans could hardly wait to get to the polls in that election, and 93 percent of them did.

I came home on Friday before their election on Sunday, picked up the Washington Post, and I saw where there had been an election in Texas for Governor the preceding Tuesday and 30 percent of Texans had voted in one of the most hotly contested gubernatorial races in their history. The day before yesterday in the State of California only 43 percent bothered to go vote in an election that was hotly contested, at least on the Democratic side. And the numbers keep going down. People keep tuning out of the political process.

In the story I read about the Texas election, several people were interviewed. One guy said, "I have got a job. I don't ever vote when things are going OK." Another one said, "Well, you know, those politicians are all crooked. I just don't want to be a party to it." Another one said, "I just don't ever vote." What on Earth is going on in this country, Mr. President?

To close, we had another kind of summit in this town between George Bush and Mikhail Gorbachev, and I thought it turned out pretty well. I thought President Bush acquitted himself very well. I thought he was

about as articulate and sensible as any President I have ever heard. I was very pleased with his conduct. I was especially pleased that he signed the trade agreement with the Soviet Union. It does not mean much. It is certainly not a solution to the economic problems of the Soviet Union. But it was a signal to the Soviet Union that we do, indeed, want to be trading partners with them; we want them to let up on emigration; we would like for them to codify their emigration laws so that people just do not do it on an ad hoc basis.

They have been allowing a lot of Jews to emigrate, and we applaud that, and we encourage them to continue. But what we encourage them to do more than anything else is to codify the law so that people know what they can do and what they cannot do. We take it for granted. You can go down and get a passport tomorrow and take off for Germany or Rangoon or wherever you want to go. The people of this country take for granted the right to travel, to go and come as they please. This was absolutely unheard of in the past in the Soviet Union and Eastern Europe, and certainly the right to leave permanently is unheard of without going through more red tape than anybody can ever stand.

So we signed some meaningful agreements, and the parameters of the START talks, in my opinion, favor the United States. As a matter of fact, I do not mind telling you, Mr. President, I am keenly disappointed that we started off in this country believing that the START I was going to cut nuclear warheads to 6,000 on both sides. As it turned out—and that will be a sermon for another day—those were just figures that were sort of, what shall I say, leading but also misleading because, under the terms of the treaty we have agreed to, the United States will wind up with about 10,000 warheads and the Soviets with not many less than that. So the truth is when we signed this agreement the other day over at the White House, it meant the United States will have almost as many warheads when they signed that treaty as they had when they started negotiating it. That is not making progress in eliminating nuclear warheads and the threat of nuclear war very fast.

Mr. President, I have not spoken on the floor in some time, but I felt, since there was nothing going on here, I would relieve myself of those few thoughts for whatever they may be worth.

I do not see any other Senator seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the veto message on H.R. 2364, an Amtrak authorization bill, be laid aside until 5 p.m., Tuesday, June 12; that at that time on Tuesday, there be 1 hour of debate equally divided and controlled in the usual form; that at 6 p.m. on Tuesday, the Senate proceed to vote without any intervening action or debate on passage of H.R. 2364, the objections of the President notwithstanding.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I have no objection. The only point I would make, and I know the majority leader tried to accommodate one of our Senators. We appreciate that. I guess if he is back at 6:15, within the area, we would be able to vote.

Mr. MITCHELL. If the Senator prefers, we will change it to 5:30 and 6:30, and 5:15 and 6:15. We are pleased to do that.

Mr. President, I modify my request to change the times from 5 p.m. to 5:15 p.m. and from 6 p.m. to 6:15 p.m. Otherwise, I renew my request.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. We have been, as Senators know, those who were aware of our earlier discussion, unable to obtain a vote on the veto override until next Tuesday, and that has now been set for that time.

The pending business is the blind air passengers authorization bill, and I will be meeting later tonight with interested parties in an effort to determine the most appropriate course for handling of that bill. That will take some time this evening. Therefore, I think no purpose would be served by requiring Senators to remain in the Capitol. We will be in a position to announce tomorrow morning the course of action tomorrow with respect to that pending legislation.

Mr. DOLE. I will just indicate that they have met. We had one brief meeting, with no agreement, on the crime package. There was some interest in that, and I think it is instructive but not conclusive.

Mr. MITCHELL. The Senator is correct. For the information of Senators, the Republican Senators had a caucus

earlier this evening and just a few moments ago met with myself and the chairman of the Judiciary Committee to present a suggested course of action, which we have indicated we will review and take a look at.

Senator BIDEN will be meeting with his Republican counterparts to discuss further the suggested course of action, and no agreement has been reached, with no commitments on either side, other than a good-faith exploration of the issues.

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. 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.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

CONCERNING THE ABSENCE OF SENATOR CHRISTOPHER J. DODD DURING THE WEEK OF JUNE 4

Mr. LIEBERMAN. Mr. President, I just wanted to take a couple of minutes to tell my colleagues why Senator Dodd is not present and voting this week.

This week, Senator Dodd has made visits to Romania and Czechoslovakia. During his 3-day visit to Romania, Senator Dodd met Timisoara Bishop Laszlo Toekes, the Hungarian priest who started the December revolution that toppled Communist dictator Nicolae Ceausescu. He also met with President-elect Ion Iliescu, Premier Petre Roman and other government officials to urge them to adopt a constitution that restores democracy, guarantees freedom of speech and protects ethnic minorities.

As chairman of the Children's Subcommittee, Senator Dodd also visited a pediatric AIDS ward and a state-run institution for abandoned children in Bucharest. He received assurances from government officials that a hospice for children with AIDS would be created.

Later in the week, Senator Dodd joined a 58-member international delegation that will observe the June 8-9 parliamentary elections in Czechoslovakia. The observer group is jointly sponsored by the National Democratic Institute for International Affairs and the National Republican Institute for

International Affairs. The delegation includes Senator Dobb and Senator JOHN MCCAIN, as well as a number of other legislators, political party leaders, election experts and writers from 12 countries in Europe, Asia, and the Western Hemisphere. The purpose of the mission is to demonstrate international support for democratic electoral processes and for the restoration of democracy in Czechoslovakia.

Mr. President, these are very exciting times in Eastern Europe and I look forward to Senator Dobb's observations when he returns next Monday.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 1:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 580. An act to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1999. An act to amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Post Secondary Education.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2372. An act to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing;

H.R. 2690. An act to amend title 17, United States Code, to provide certain rights of attribution and integrity to authors of works of visual art; and

H.R. 4611. An act to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service.

The message further announced that the House has agreed to the following resolution:

H. Res. 405. Resolution requesting the return of the bill H.R. 3656 to the House of Representatives.

MEASURES REFERRED

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

H.R. 4611. An act to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3079. A communication from the Public Printer of the United States, transmitting, pursuant to law, the semiannual management report on audits performed and the semiannual report of the Inspector General, Government Printing Office, for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3080. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Education, for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3081. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Energy, for the 6-month period March 31, 1990; to the Committee on Governmental Affairs.

EC-3082. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Inspector General, Corporation for Public Broadcasting, for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3083. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Inspector General, Environmental Protection Agency, for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3084. A communication from the Chairman of the Council of the District of

Columbia, transmitting, pursuant to law, copies of D.C. Act 8-204 adopted by the Council on May 15, 1990; to the Committee on Governmental Affairs.

EC-3085. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the semiannual report of the Inspector General, Pension Benefit Guaranty Corporation for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3086. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Agriculture, for the 6-month period ended March 31, 1990; to the Committee on Governmental Affairs.

EC-3087. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to make available sums in the Department of Justice Asset Forfeiture Fund for reimbursement of certain expenses incurred by the Judicial Branch in connection with adjudication of forfeitures and furnishing of home detention services and equipment; to the Committee on the Judiciary.

EC-3088. A communication from the Secretary of Education, transmitting, pursuant to law, the annual statistical report of the National Center for Educational Statistics entitled "The Condition of Education"; to the Committee on Labor and Human Resources.

EC-3089. A communication from the Public Printer of the United States, transmitting, pursuant to law, notification of the termination of the Inspector General of the Government Printing Office; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-500. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE RESOLUTION No. 1356

"Whereas, The United States is considering whether or not to shift jurisdiction for the Federal Crop Insurance Program from state insurance agencies to the Federal Crop Insurance Corporation; and

"Whereas, This would have detrimental effects on Illinois farmers in regard to settlements, notices, cancellations and the regulation passed by the Illinois General Assembly regulating the notification of drought insurance applicants; and

"Whereas, Policy holders would be obliged to settle disputes in federal courts instead of through the State insurance department; and

"Whereas, A change in jurisdiction would require the Federal Crop Insurance Corporation to duplicate services already offered by the private sector and would accrue costs which might lead to higher taxes or insurance premiums; and

"Whereas, The shift in jurisdiction would cost the State of Illinois approximately \$2 million in revenue because of the loss of the premium tax; and

"Whereas, Federal control of the Crop Insurance Program would cost each state the ability to formulate policy which is tailored to the specific circumstances in that particular state; and

"Whereas, The proposed change puts at risk the excellent working relationship that now exists between the U.S. Department of Agriculture, the states, and private insurers and jeopardizes the great success of the existing Crop Insurance Program; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois, that we urge the United States Congress to carefully consider the proposal by the United States Department of Agriculture to remove jurisdiction from the Illinois State Department of Insurance for the Federal Crop Insurance Program; and be it further

"Resolved, That suitable copies of this preamble and resolution be presented to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois Congressional Delegation."

POM-501. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Banking, Housing, and Urban Affairs.

"HOUSE RESOLUTION No. 1624

"Whereas, savings and loan associations have provided services critical to the economic welfare of the State of Illinois by reinvesting savings of Illinois residents in the home loan mortgages, small business, college, and automobile loans and other investments essential to the vitality of urban and rural communities throughout Illinois; and

"Whereas, In 1989 there were 243 savings and loans in Illinois with total assets in excess of \$60 billion, 20,000 employees, and combined net profits of \$16 million—the sixth consecutive profitable year for the industry in Illinois; and

"Whereas, By March of 1990 Illinois savings and loans with more than \$30 billion in assets or 50% of the total assets of all Illinois savings and loans had either been seized by the federal government for sale or liquidation (31 institutions with \$7.6 billion in assets) or were threatened with imminent seizure and liquidation (55 institutions with \$23.4 billion in assets); and

"Whereas, This substantial federal seizure of the Illinois savings and loan industry has been undertaken as a part of a federal restructuring of the savings and loan industry under the Financial Institutions Reform Recovery and Enforcement Act of 1989 (FIRREA) that has substantially changed and increased the financial requirements for operating savings and loans; and

"Whereas, Nationally 402 institutions with \$230 billion in assets in 40 states have been seized and between 600 and 1,000 additional savings institutions are threatened with seizure and liquidation; and

"Whereas, The federal seizure of savings and loans under FIRREA has resulted in rapidly escalating, unanticipated costs, the elimination of locally managed savings institutions, the loss of jobs and ultimately the loss of savings institutions in many urban and rural communities; and

"Whereas, Savings and loans seized by the federal government have lost \$40 million per day, since January 1989; and

"Whereas, The General Accounting Office estimated on April 6, 1990, that the total cost of the FIRREA restructuring of the savings and loan industry is estimated to be

between \$325 billion and \$500 billion—an increase of \$68 billion over the GAO's 1989 estimates and an increase of at least \$160 billion over the August 1989 estimates made by the President and Congress when FIRREA was enacted; and

"Whereas, As an alternative to federal seizure of savings and loans, the FIRREA legislation provides that open thrift assistance may be made available to help institutions meet FIRREA's new financial requirements, if the assistance would be less-costly than seizure and if the institutions—pre FIRREA—were well-managed and profitable; and

"Whereas, Many of the 55 Illinois institutions now threatened with seizure were profitable and well-managed before imposition of the new FIRREA standards; and

"Whereas, The preservation of such well-managed, profitable Illinois institutions through open thrift assistance may be beneficial to Illinois citizens, less destructive to local economies and less costly to the federal government than seizure; and

"Whereas, No open thrift assistance under FIRREA has been provided to any savings and loan in the United States even though L. William Seidman, chairman of the Resolution Trust Corporation (RTC), which manages seized savings and loans under FIRREA, has strongly endorsed open thrift assistance as a more cost-effective alternative than seizure; and

"Whereas, The State has a vital interest in the maintenance of a strong and stable savings and loan industry in Illinois and the availability of open thrift assistance may lessen significantly the cost to American taxpayers of resolving the savings and loan crisis; therefore, be it

"Resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois, That the Senate respectfully urges the United States Congress and the RTC Oversight Board to adopt and implement an open thrift assistance program that will provide to savings and loans financial assistance necessary to meet the new FIRREA financial requirements, if such assistance is less costly than seizure of institutions that were well-managed and profitable prior to FIRREA; and be it further

"Resolved, That the Senate respectfully urges the Office of Thrift Supervision (OTS), the Federal Deposit Insurance Corporation (FDIC), the RTC Oversight Board and the RTC to provide Illinois institutions, threatened with seizure, with a reasonable opportunity to qualify for open thrift assistance before any such institutions are taken over under the newly imposed FIRREA financial requirements; and be it further

"Resolved, That the Commissioner of Savings and Loans of the State of Illinois is directed to work diligently with the FDIC, the RTC and the OTS to ensure that Illinois State-chartered associations, which are under-capitalized solely due to the enactment of FIRREA, and which are otherwise well-managed, profitable and in regulatory compliance are given favorable consideration for the provisions of open thrift assistance; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented to be respectfully submitted to the President of the United States, the President of the Senate and Speaker of the House of the United States Congress, each member of the Illinois Congressional Delegation, the Chairman of the FDIC, Chairman of the OTS, the RTC Oversight Board, and the Commissioner of Savings and Loans of the State of Illinois."

POM-502. A resolution adopted by the Common Council of the Township of Gloucester; to the Committee on Finance.

POM-503. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Foreign Relations.

HOUSE RESOLUTION No. 1684

"Whereas, On March 11, 1990, the newly elected parliament of the Republic of Lithuania declared the restoration of the nation's independence after five decades of involuntary incorporation into the Union of Soviet Socialist Republics; and

"Whereas, Lithuania has been a vital and distinct culture within European civilization for centuries, and its democratic aspirations reached full fruition in the 1918 establishment of a free and independent nation-state; and

"Whereas, Freedom loving peoples throughout the world mourned the subjugation of Lithuania in the midst of World War II, and we now cheer the Republic's reassertion of autonomy and self-determination; and people have earned our admiration and respect, for their struggle to regain sovereignty has been characterized not by violence but by adherence to such democratic hallmarks as open debate and multiparty elections; and

"Whereas, The Lithuanian people are deserving of our unyielding support because their heroic struggle is threatened by the Soviet refusal to recognize their independence and the Soviet application of economic and military pressure; therefore be it

"Resolved, by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois, That we congratulate the Republic of Lithuania upon its courageous and historic declaration of the restoration of independence and that we commend the brave spirit and peaceful methods of the Lithuanians to all those throughout the world who seek to cast off oppression and join the community of democratic nations; and be it further

"Resolved, That we urge the President of the United States to swiftly take those steps necessary to formalize diplomatic relations between the United States and the new Lithuanian government, to effectively express our country's great displeasure with the Soviet reaction to Lithuanian independence and to assist the Republic of Lithuania in rebuilding its democratic institutions and revitalizing its economy; and be it further

"Resolved, That suitable copies of this resolution be presented to the President of the United States and each member of the Illinois Congressional Delegation."

POM-504. A joint resolution adopted by the Legislature of the State of California to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION No. 89

"Whereas, The Soviet Union is currently undergoing substantial reform and is making efforts to allow greater freedom of expression, as part of glasnost; and

"Whereas, While glasnost offers much promise to the people of the Soviet Union, it also poses significant dangers to minority groups, particularly Jews, as hate groups are allowed to organize and grow; and

"Whereas, Pamyat, an extremist nationalist mass membership organization founded in 1980 seeks to eliminate the Soviet Jewry and to intimidate Soviet Jews through a widespread anti-Zionist campaign; and

"Whereas, Anti-Semitic violence, including vandalism of synagogues and Jewish

homes, the abduction of a Hebrew teacher, and the stabbing of an elderly Jewish woman, is spreading through the Soviet Union; and

"Whereas, Pamyat's membership numbers in the thousands and maintains chapters in many Soviet cities; and

"Whereas, Pamyat openly preaches hatred of the Jews through videocassettes, handbills, and messages of hate distributed throughout Russian portions of the Soviet Union; and

"Whereas, In 1989 there were more than 50 desecrations of Jewish cemeteries, and some 1,000 anti-Semitic rallies throughout the country; and

"Whereas, The Soviet government has tolerated and protected Pamyat, including granting permission to hold a rally in Red Square while prohibiting democracy groups from demonstrating at that location; and

"Whereas, Neither President Mikhail Gorbachev nor other high Soviet officials have repudiated Pamyat's blatant anti-Semitism; and

"Whereas, The Soviet Union has suspended direct flights from the Soviet Union to Israel as a direct result of pressure from the Arab world; and

"Whereas, A test of President Mikhail Gorbachev's commitment to human rights and reform will be whether he forcefully condemns and takes effective steps to stop the spread of anti-Semitism in the Soviet Union; and

"Whereas, Protection from anti-Semitism and the right of emigration are fundamental human rights; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes President Gorbachev to publicly condemn Pamyat and all forms of anti-Semitism in the Soviet Union; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all other federal officials to take all possible steps to ensure that the Soviet police provide full protection to Jews subject to attack by Pamyat sympathizers and arrest and prosecute all perpetrators of anti-Semitic violence; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all other federal officials to insist that the United States withhold any waiver or repeal of the Jackson-Vanik trade restrictions against the Soviet Union until President Gorbachev resists Arab pressure and allows direct flights to Israel for all Soviet Jews who desire to emigrate to that nation; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all other federal officials to take immediate steps to lift quota limitations on the emigration of Soviet Jews and other minority groups to the United States; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of State, to President Mikhail Gorbachev of the Soviet Union, and to each Senator and Representative from California in the Congress of the United States."

POM-505. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION 90-13"

"Whereas, Since the conflict in Vietnam ended, 2383 American servicemen, 41 of whom are Coloradans, remain unaccounted for and are considered Missing in Action; and

"Whereas, Since that time there has been much controversy as to whether there are American servicemen being held in Southeast Asia and elsewhere as Prisoners of War; and

"Whereas, There have been reports from a variety of sources of living American servicemen in Southeast Asia, some of which have been as recent as 1989; and

"Whereas, The Final Interagency Report of the Reagan Administration on the POW/MIA issue in Southeast Asia has concluded that we must operate under the assumption that at least some of the missing could have survived and that all possible efforts be made to resolve their fate; and

"Whereas, The people of the state of Colorado desire that any information and records be released by all departments and agencies of the federal government that maintain such information and records; and

"Whereas, Disclosure of such information and records would allow a nation proud of its democratic heritage to no longer keep secret from itself those facts necessary to achieve longer overdue introspection and, thus, final catharsis with regard to World War II and the Korean and Vietnam conflicts; and

"Whereas, Congress is considering H.R. 3603, 101st Cong. 1st Sess. (1990), which deals with the release of information concerning United States personnel classified as prisoner of war or missing in action from World War II, the Korean conflict, and the Vietnam conflict; and

"Whereas, H.R. 3603 accomplishes disclosure while at the same time provides for necessary protections, first, by protecting national security through safeguarding information concerning sources, and second, by providing for the privacy of affected families; and

"Whereas, Those servicemen and their families merit the recognition and remembrance of the people for whom they served; now, therefore,

"Be It Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

"(1) That the Colorado General Assembly request Congress and President Bush to continue as a high national priority their efforts to resolve the fate of these American servicemen, and to make all efforts to pass and sign into law H.R. 3603.

"(2) That the Colorado general assembly request and urge the governor to issue annually a proclamation calling the attention of our people to those men and women who are considered missing in action or prisoners of war and recommending and enjoining their due observance of a week in commemoration of those servicemen, that the governor be requested to fly the POW/MIA flag on a daily basis on the state capitol grounds at the area designated for the Colorado tribute to veterans.

"(3) That the Colorado general assembly commend the Colorado department of military affairs for its commitment to the POW/MIA issue, and for flying the POW/MIA flag at its state headquarters and all armories throughout the state of Colorado.

"(4) That the Colorado general assembly commend the division of state nursing homes for its commitment to the POW/MIA issue, and for its commitment to fly the POW/MIA flag at all state/veterans nursing homes throughout the state of Colorado.

"(5) That the Colorado general assembly commend all elected officials, who have through their efforts provided the visibility on the POW/MIA issue, and encourages them to continue their efforts.

"(6) That the Colorado general assembly supports the goal of having a special memorial area within the state capitol to remember and recognize the prisoners of war and the missing in action by a special display in the state capitol, and requests the governor to support and concur in this goal with its completion by Memorial Day 1990.

"Be It Further Resolved, That copies of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of Congress from the State of Colorado, to President Bush, and to Governor Roy Romer."

POM-506. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION NO. 638"

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, In the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, in the Second World War, the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, the American Flag symbolizes the ideas for which good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer

records to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper under law and decency; now, therefore,

"Be it Resolved by the House of Representatives of the Ninety-Sixth General Assembly of the State of Tennessee, the Senate Concurring, That this General Assembly respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Be it further Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the Speaker of the United States Senate and all members of the congressional delegation from the State of Tennessee."

POM-507. A resolution adopted by the House of Representative of the State of Illinois; to the Committee on Labor and Human Resources.

"HOUSE RESOLUTION No. 1584

"Whereas, The Older American Act of 1965 was amended in 1987 to include a provision for calling a White House Conference on aging in 1991; and

"Whereas, According to the new provisions in the Act, the President of the United States is directed to call for the White House Conference on Aging, and it is to consist of representatives from all 50 States; and

"Whereas, State and local agencies in Illinois have begun calling for local forums for setting the agendas and selecting the delegates; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois, That we respectfully ask President George Bush to call for the White House Conference on Aging for 1991 and that he set a date for that conference; and be it further

"Resolved, That a suitable copy of this preamble and resolution be presented to President Bush, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, each member of the Illinois Congressional Delegation, the United Congress Commissioner on Aging and Director of the Illinois Department on Aging."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 798: A bill to amend title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes (Rept. No. 101-307).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1756: A bill to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine (Rept. No. 101-308).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an

amendment in the nature of a substitute and an amendment to the title:

S. 2437: A bill to authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park (Rept. No. 101-309).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2566: A bill to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument (Rept. No. 101-310).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 76: A bill to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system (Rept. No. 101-311).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3545: A bill to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission (Rept. No. 101-312).

H.R. 3834: A bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system (Rept. No. 101-313).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2181: A bill to authorize the National Aeronautics and Space Administration to purchase approximately 8 acres of land at the Fort Sumner Municipal Airport, De Baca County, New Mexico (Rept. No. 101-584). By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 2514: a bill amending subchapter III of chapter 84 of title 5, United States Code.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 1941: a bill to implement the Obligations of the United States Under the Inter-American Convention on International Commercial Arbitration.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and an amendment to the title and an amended preamble:

S. Con. Res. 60: A concurrent resolution expressing the sense of the United States Senate that the Soviet Union should release the prison records on Raoul Wallenberg and account for his whereabouts.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 126: A concurrent resolution calling for a United States policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale population.

S. Con. Res. 137: A concurrent resolution to express the sense of Congress that the 1990 Nuclear Non-Proliferation Treaty (NPT) Review Conference should reaffirm the support of the parties for the objectives of the NPT, in particular preventing the spread of nuclear weapons to additional countries.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Malcolm S. Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting for a term expiring April 28, 1992;

Norton Stevens, of New York, to be a member of the Board of Directors of the Inter-American Foundation for a term of 6 years;

Frank D. Yturria, of Texas, to be a member of the Board of Directors of the Inter-American Foundation for a term of 6 years;

E.U. Curtis Bohlen, of Maine, to be an Assistant Secretary of State for Oceans and International Environment and Scientific Affairs;

Paul C. Lambert, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Paul C. Lambert.

Post: Ambassador to the Republic of Ecuador.

Contributions, amount, date, and donee:

1. Self (see attached sheet).
2. Spouse, Mary L. Lambert (see attached sheet).
3. Children and spouses names, Jennifer L. Churchill, Daniel Churchill, P. Christopher Lambert (deceased), John C. Lambert, Mary W. Lambert (see attached sheet).
4. Parents names, both deceased.
5. Grandparents names, all deceased.
6. Brothers and spouses names, Joseph G. Lambert (see attached sheet).
7. Sisters and spouses names, none.

Paul C. Lambert and family—Federal political contributions

1985—PAUL C. LAMBERT

1/23/85—The Republican National Committee.....	\$100
6/12/85—Friends of Senator D'Amato.....	100
9/3/85—D'Amato for Senate.....	47
10/18/85—The Fund for America's Future.....	2,500
10/15/85—D'Amato for Senate.....	100
11/26/85—People for DioGuardi.....	250

1985—JENNIFER LAMBERT

11/15/85—Senator Packwood of Oregon.....	50
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1985—JOSEPH G. LAMBERT

Feb. 1985—Republican Party.....	100
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1986—PAUL C. LAMBERT

4/7/86—The Fund for America's Future.....	1,000
6/19/86—People for Andy O'Rourke.....	1,000
7/29/86—People for O'Rourke.....	500
7/30/86—Friends of Andy O'Rourke.....	250
9/10/86—Congressman E. Zschau for U.S. Senate.....	100
9/12/86—People for O'Rourke.....	500
10/8/86—Republican National Committee.....	100

1987—PAUL C. LAMBERT (SEE LETTER)

1/15/87—Republican National Committee.....	100
3/17/87—Women's National Club Luncheon.....	150

4/1/87—George Bush for President...	1,000
7/28/87—Citizens for Pete Dawkins ..	1,000
8/26/87—Pete Dawkins for Senate	1,000
10/19/87—George Bush for President.....	500
11/20/87—People for DioGuardi.....	50
1987—MARY L. LAMBERT	
8/26/87—Pete Dawkins for Senate	1,000
1987—JOHN C. LAMBERT	
12/10/87—George Bush for President.....	1,000
1987—MARY W. LAMBERT	
12/10/87—George Bush for President.....	1,000
1988—PAUL C. LAMBERT	
1/29/88—Republican National Committee.....	100
3/30/88—Republican National Committee.....	150
4/15/88—Women's National Republican Club Luncheon.....	75
6/10/88—People for DioGuardi.....	50
6/15/88—Bob McMillan for U.S. Senate.....	1,000
6/17/88—Republican Presidential Trust.....	2,000
8/8/88—1988 Republican National Convention Gala.....	1,000
8/8/88—National Federation of Republican Women.....	100
8/31/88—Victory '88 Bush/Quayle	5,000
10/18/88—Challenge '88—Pete Dawkins	1,000
10/19/88—Republican National Committee.....	3,000
10/24/88—People for DioGuardi.....	50
11/16/88—Bob McMillan for U.S. Senate.....	100
1988—MARY L. LAMBERT	
6/7/88—Bob McMillan for U.S. Senate.....	1,000
9/13/88—Victory '88 Bush/Quayle	5,000
10/5/88—Pete Dawkins for U.S. Senate.....	1,000
1988—JOSEPH G. LAMBERT	
Apr. 1988—Tom Campbell for Congress Committee.....	100
May 1988—Tom Campbell for Congress Committee.....	500

BUSH /QUAYLE COMPLIANCE COMMITTEE.

Mr. PAUL C. LAMBERT,
Breed, Abbot & Morgan,
New York, NY.

DEAR MR. LAMBERT: I am writing in response to your inquiry concerning your contributions to the President's 1988 campaign. Our records indicate the moneys contributed by you are credited as follows:

\$1000 contributed in April, 1987 was credited to the George Bush for President principal campaign committee for the primary election.

\$500 contributed in November, 1987 credited to the George Bush for President Compliance Committee.

Contributions to the Primary are limited to \$1000 per person, as is the case for the Compliance Committee. Our records indicate that you are not over your individual limit for either committee.

Please do not hesitate to conduct me if you have any other questions regarding your contributions, or if I can be of any further assistance.

Sincerely,

RITTA S. MOUSSEAU,
Comptroller.

Don Melvin Newman, of Indiana, for the rank of Minister during his tenure of service as the Representative of the United States

of America on the Council of the International Civil Aviation Organization.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Don M. Newman.

Post: Minister to ICAO.

Contributions, amount, date, donee:

1. Self, \$1,000, November 1989, President's Club; \$1,000, 1988, Bush/Quayle.

2. Spouse, deceased.

3. Children and spouses names, Mr. and Mrs. T. Martin, Mr. and Mrs. J. Grieser, none.

4. Parents names, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, Mr. and Mrs. R. Newman, none.

7. Sisters and spouses names, none.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Dane F. Smith, Jr.

Post: Ambassador to Guinea.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, Judith A. Smith, none.

3. Children and spouses names, Jennifer L. Smith, Dane F. Smith III, Juanita C. Smith, none.

4. Parents names, Candace C. Smith, Dane F. Smith, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Mary Candace Mize, Robert Mize, none.

Charles H. Thomas, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Charles H. Thomas.

Post: Ambassador to Hungary.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, John, Jennifer, Andrew, Stuart, and Catherine, none.

4. Parents names, Helen W. Cogswell, none.

5. Grandparents names, deceased.

6. Brothers and spouses names, Bruce R. Thomas, Katherine Irwin, none.

7. Sisters and spouses names, none.

Alan Philip Larson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Alan Philip Larson.

Post: USOECD Paris.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Nathan, Lara, Philip, none.

4. Parents names, Philip H. Larson, Marilyn Y. Larson, none.

5. Grandparents names, deceased.

6. Brothers and spouses names, Gene N. Larson, \$10 (between July-Sept. 1986, Terry Bransted), Sandra Larson, none.

7. Sisters and spouses names, none.

James Keough Bishop, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: James Keough Bishop.

Post: Ambassador to Somalia.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Timothy, Lynn, Melanie, Rebecca, Anne-Marie, Elizabeth, none.

4. Parents names, James K. Bishop (Dorothy), \$120, 1986, Republican Task Force; \$150, 1986, Joseph Di Guardi.

5. Grandparents names, deceased.

6. Brothers and spouses names, John F. Bishop (Patricia), \$50, 1988, Peter Dawkins; Thomas A. Bishop (Katherine), none.

7. Sisters and spouses names, none.

Steven E. Steiner, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Representative to the Special Verification Commission.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Steven E. Steiner.

Post: U.S. Representative, Special Verification Commission.

Contributions, amount, date, and donee:

1. Self, none, except \$1/year on Form 1040.

2. Spouse, Merle J. Steiner, none.

3. Children and spouses names, Laurie, Eric, Jeffrey, (all unmarried) none.

4. Parents names, Edward J. Steiner, Kay B. Steiner, \$75.00, \$25/year in 1988, 1989, 1990, womens campaign fund.

5. Grandparents names, all deceased.

6. Brothers and spouses names, Jack and Kristin Steiner, none.

7. Sisters and spouses names, Sally and Steven Posner, none.

Peter Jon de Vos, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Peter Jon de Vos.

Post: Ambassador to Liberia.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of May 18, 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.

By Mr. GLENN, from the Committee on Governmental Affairs:

Pamela Talkin, of New York, to be a Member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1995.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. GRAHAM (for himself, Mr. DIXON, Mr. WIRTH, Mr. SASSER, Mr. PRYOR, Mr. BRADLEY, Mr. KERREY, Mr. KERRY, Mr. SIMON, Mr. LEVIN, Mr. BRYAN, Mr. PELL, and Mr. RIEGLE):

S. 2712. A bill to establish a Financial Services Crime Division in the Department of Justice; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2713. A bill to preserve ancient forests, to assure a sustainable and predictable supply of timber harvest, and to enhance recreational opportunities in the national forests; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2714. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the Solitaire; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 2715. A bill to amend the International Organizations Immunities Act and title 28, United States Code, to restrict the jurisdictional immunity to which certain international organizations are entitled.

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 2716. A bill to amend the Warren Act (Act of February 21, 1911, 43 U.S.C. 523 et seq.) to expand the purposes for which excess storage or carrying capacity in reclamation projects may be used, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 295. Resolution relative to flood protection in the Trinity River Basin, Texas; to the Committee on Environment and Public Works.

By Mr. ROTH:

S. Res. 296. Resolution to express the sense of the Senate in support of Taiwan's membership in the General Agreement on Tariffs and Trade; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 297. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs in The Matter of Provident Life and Accident Insurance Company; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. DIXON, Mr. WIRTH, Mr. SASSER, Mr. PRYOR, Mr. BRADLEY, Mr. KERREY, Mr. KERRY, Mr. SIMON, Mr. LEVIN, Mr. BRYAN, Mr. PELL, Mr. RIEGLE, Mr. CONRAD, and Mr. HARKIN):

S. 2712. A bill to establish a Financial Services Crime Division in the Department of Justice; to the Committee on the Judiciary.

(The remarks of Senators and the text of the legislation appear earlier in today's RECORD.)

By Mr. GORTON:

S. 2713. A bill to preserve ancient forests, to assure a sustainable and predictable supply of timber harvest, and to enhance recreational opportunities in the national forests; to the Committee on Energy and Natural Resources.

PACIFIC NORTHWEST NATIONAL FOREST ACT

Mr. GORTON. Mr. President, I rise today to introduce legislation that will provide a stable, permanent, and sustainable timber harvest from Federal lands in the Pacific Northwest while at the same time enhancing protection of old growth forests and recreational opportunities.

Last week, I visited with the families and workers in timber communities across Washington State. People in Colville and Omak, Darrington and Morton, Longview, Aberdeen, and Shelton, share the same frustrations.

Families in these communities have built a way of life based on providing America with the forest products it needs for affordable housing, for paper, and for a thousand other uses. That way of life is now threatened.

The Thomas committee recommends that 8.4 million acres of Northwest timberlands be set aside and placed off limits to timber harvesting to protect the northern spotted owl; 8.4 million acres is a land mass about the size of New Jersey, Connecticut, and Rhode Island combined. The proposed set-asides represent more than half of Washington's national forest lands, and are designed to expand the number of spotted owl pairs from 1,465 to 2,000.

The Thomas plan would reduce the Northwest's annual timber harvest by 2.4 billion board-feet. That is enough timber to build 160,000 single-family American homes this year, next year and every year. And if the set-asides are adopted, 35,000 Northwest men and women will lose their jobs. The Governor of Washington estimates that nearly 20,000 Washingtonians will be among these unfortunate individuals.

What do 35,000 jobs mean to timber-dependent communities in Washington and Oregon? Listen to this letter I received from Travis Davis, a junior high student from Stevenson, WA.

With no logs, the mills will shut down and people will lose their jobs and move away. I'll probably be able to graduate here. But, what about the kids behind me? Is it right to make them move? If they do move, the community will eventually die * * * there must be a way to open the woods and protect the owl.

In Portland OR, the President recently said, and the Northwest congressional delegation agrees, that we must find a balance that protects important environmental values and preserves a stable timber supply. This legislation provides that balance.

Specifically, this bill will permanently set-aside an adequate portion of Northwest Federal forest lands to provide an annual harvest level of more than 3.5 billion board-feet. These timberlands will still be subject to regulations requiring replanting, stream protection, and will be managed so that generations to come can enjoy the benefits of timber jobs and renewable, biodegradable forest products.

In addition, this bill will increase the amount of old-growth forest land that is forever preserved to 5.3 million acres. A great portion of that is prime spotted owl habitat. Specifically, the bill provides for the additional protection of 1.8 million acres of old growth.

Finally, this bill will enhance recreation opportunities for citizens in our national forests.

We can and will save the spotted owl from extinction and we can and must preserve a way of life that provides

thousands of Northwest families their jobs and America its valuable forest products. It is the working families of these communities who sent me to represent them in the U.S. Senate. I will not walk away from them now. I will stand by their side and fight for their future.

By Mr. ROTH:

S. 2715. A bill to amend the International Organizations Immunities Act and title 28, United States Code, to restrict the jurisdictional immunity to which certain international organizations are entitled; to the Committee on the Judiciary.

RESTRICTING JURISDICTIONAL IMMUNITY FOR CERTAIN INTERNATIONAL ORGANIZATIONS

● Mr. ROTH. Mr. President, pursuant to the International Organizations Act of 1945, international organizations were granted the same immunity from suit and judicial process enjoyed by foreign governments. At that time, foreign governments generally enjoyed absolute immunity from suit and judicial process.

During the years since 1945, the degree of foreign governments' immunity has changed from absolute to restrictive. As I understand it, the primary feature of restrictive immunity is that a foreign government would still be immune from judicial process for its governmental and sovereign acts, but not for its commercial acts. Even though the immunity enjoyed by foreign governments has changed, the 1945 law has not been changed and the listed international organizations retain absolute immunity.

I have been contacted by officials from a domestic corporation which held contracts from an international organization. In seeking redress for a perceived commercial wrong, this constituent corporation was informed that the organization enjoyed absolute immunity from every form of judicial process.

I believe that restrictive immunity as defined above is in the best interest of domestic corporations who deal with international organizations. For this reason I am introducing a bill to amend the International Organizations Immunities Act and title 28, United States Code, to restrict the jurisdictional immunity to which certain international organizations are entitled.

Mr. President, I ask that this bill be printed in the RECORD in full.

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

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b) of the International Organizations Immunities Act (22 U.S.C. 288a) is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection, the phrase 'same immunity from suit and every form of judicial process as is enjoyed by foreign governments' means the same immunity to which foreign states are entitled under sections 1605 through 1607 of title 28, United States Code."

(b) Section 1603(a) of title 28, United States Code, is amended by inserting before the period the following: "or any international organization which is currently designated pursuant to section 1 of the International Organizations Immunities Act (except to the extent that the President has withheld, withdrawn, or otherwise limited the immunities to which such organization may be entitled)".

(c) The amendments made by subsections (a) and (b) shall apply to legal actions brought or judicial process served after the enactment of this Act. ●

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 2716. A bill to amend the Warren Act (Act of February 21, 1911, 43 U.S.C. 523 et seq.) to expand the purposes for which excess storage or carrying capacity in reclamation projects may be used, and for other purposes; to the Committee on Energy and Natural Resources.

WARREN ACT AMENDMENTS

Mr. CRANSTON. Mr. President, on behalf of Senator WILSON and myself, I introduce for appropriate reference a bill to amend the Warren Act to expand the purposes for which excess storage or carrying capacity in reclamation projects may be used. The bill is a companion to H.R. 3554 which was introduced in the House by Congressmen BOB LAGOMARSINO and NORM MINETA and has been included in H.R. 2567 reported by the House Committee on Interior and Insular Affairs.

The Warren Act, passed in 1911, authorizes the storage or conveyance of non-Federal irrigation water in Federal facilities if there is excess capacity. The rationale for this authorization is both pragmatic and beneficial. In many reclamation project areas, the Federal Government has built delivery and impoundment facilities which have capacities in excess of that needed for reclamation project uses alone. Moreover, in most cases, these facilities have been constructed in the most desirable locations. Absent the Warren Act, Federal reclamation project contractors who also have non-Federal water rights would have to build separate storage and conveyance facilities for the nonreclamation water. The Warren Act eliminates the need to build duplicative facilities.

However, the Warren Act, as originally enacted, does not address the use of Federal reclamation facilities if the water is used for municipal, industrial, domestic, or fish and wildlife purposes. This was consistent with the major uses of reclamation water at the time the Warren Act was passed. The act now needs to be updated to enable the

Secretary of the Interior to execute contracts for other common reclamation project purposes today.

This amendment is particularly important as California copes with its fourth year of drought. Across the State, water-short communities have been seeking ways to increase their water supplies, including importing water from other areas. In Santa Clara County, for example, the local water district wishes to use the Federal San Felipe project to import supplemental water to combat the drought. Although the district was able to purchase an emergency water supply from the California Department of Water Resources for drought relief, the Bureau of Reclamation denied use of the Federal facilities to convey the water because the Warren Act does not permit such use for municipal water supplies.

Similarly, in Santa Barbara County, there is considerable interest in enlarging the Cachuma project, a Federal facility, to store water delivered to the county by the State of California for municipal use. However, such use of the Cachuma project could not occur without amendments to the Warren Act.

The legislation I am introducing today would provide appropriate amendments to the Warren Act to allow the impoundment, storage, and conveyance of non-project water for municipal, industrial, domestic, and fish and wildlife purposes in Federal facilities. With these changes in law, local water agencies would have more flexibility in managing their precious water supplies both short- and long-term. The bill also modifies existing language in the Warren Act to ensure that the provisions of the Warren Act regarding lands which may benefit from the use of Federal facilities are consistent with current reclamation law and any future modifications to that law.

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. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the first sentence of the first section of the Act of February 21, 1911 (43 U.S.C. 523; commonly known as the "Warren Act"), is amended by—

(1) striking out "lands to be irrigated under any project" and inserting in lieu thereof "water users then entitled to the delivery of water from a Federal reclamation project";

(2) striking out "lands and entrymen under the project," and inserting in lieu thereof "users of the Federal reclamation project, including fish and wildlife purposes,"; and

(3) inserting "and other water agencies" after "irrigation districts"; and

(4) inserting before the final period " , municipal, industrial, domestic, or miscellaneous purposes, including fish and wildlife purposes".

Sec. 2. The first sentence of the second section of such Act (43 U.S.C. 524) is amended by—

(1) inserting "other water agencies," after "irrigation districts,"; and

(2) inserting "other water agencies" before "water users' associations,".

Sec. 3. The second proviso in section 2 of such Act is amended by—

(1) inserting "for irrigation uses" after "furnished"; and

(2) striking out "one hundred and sixty acres" and inserting in lieu thereof "that landowner's ownership entitlement under Federal reclamation law".

ADDITIONAL COSPONSORS

S. 318

At the request of Mr. JOHNSTON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 318, a bill to facilitate the national distribution and utilization of coal.

S. 416

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 421

At the request of Mr. FORD, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 421, a bill to amend the Petroleum Marketing Practices Act.

S. 640

At the request of Mrs. KASSEBAUM, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 980

At the request of Mr. MITCHELL, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1772

At the request of Mr. DeCONCINI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1772, a bill to amend the Lanham Trademark Act of 1946 to protect the service marks of professional sports organizations from misappropriation by State lotteries.

S. 1878

At the request of Mr. GRAHAM, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1878, a bill to amend title XIX of the Social Security Act to allow for State matching payments through voluntary contributions and State taxes.

S. 2044

At the request of Mr. BIDEN, the names of the Senator from Arizona [Mr. DeCONCINI] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2044, a bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes.

S. 2048

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2051

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2234

At the request of Mr. DASCHLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2234, a bill to extend the price support program for wool and mohair.

S. 2241

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. McCAIN] was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

S. 2312

At the request of Mr. SYMMS, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2312, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 2491

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cospon-

sor of S. 2491, a bill to provide a minimum State share for certain housing programs.

S. 2561

At the request of Mr. GORTON, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2561, a bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals.

SENATE JOINT RESOLUTION 274

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate the week beginning June 10, 1990 as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 283

At the request of Mr. CRANSTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from New Mexico [Mr. DOMENICI], the Senator from Colorado [Mr. WIRTH], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 283, a joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park.

SENATE JOINT RESOLUTION 308

At the request of Mrs. KASSEBAUM, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 308, a joint resolution to designate the month of June 1990, as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 317

At the request of Mr. LAUTENBERG, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMBERS], the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Maryland [Mr. SARBANES], the Senator from North Carolina [Mr. SANFORD], the Senator from Nevada [Mr. REID], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from Tennessee [Mr. SASSER], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. COATS], the Senator from Alaska [Mr. MURKOWSKI], the

Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Massachusetts [Mr. KERRY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. GLENN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 317, a joint resolution to designate the week of October 14, 1990, through October 20, 1990, as "National Radon Action Week."

SENATE JOINT RESOLUTION 326

At the request of Mr. D'AMATO, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 326, a joint resolution to designate December 21, 1990, as a "Day of Observance for the Victims of Terrorism."

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. BIDEN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. GLENN, the names of the Senator from Tennessee [Mr. GORE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution expressing the sense of the Congress on international nuclear sales to South Asia.

SENATE CONCURRENT RESOLUTION 134

At the request of Mr. HEINZ, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of Senate Concurrent Resolution 134, a concurrent resolution expressing the sense of Congress concerning a 1991 White House Conference on Aging.

AMENDMENT NO. 1741

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as cosponsor of amendment No. 1741 intended to be proposed to S. 1970, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

SENATE RESOLUTION 295—RELATIVE TO FLOOD PROTECTION IN THE TRINITY RIVER BASIN, TX

Mr. BENTSEN submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 295

Resolved, That the Secretary of the Army is directed to conduct comprehensive, basin-wide examinations and surveys to be made for flood protection, environmental enhancement, and other allied purposes for the Trinity River Basin, Texas, with specific attention to those areas suffering losses in the floods of 1990. These examinations and surveys shall not impede the on-going review authorized by resolution of the Committee on Environment and Public Works of the United States Senate dated April 22, 1988, for the Upper Trinity River Basin.

● Mr. BENTSEN. Mr. President, spring floods have devastated many areas of my State this year.

I recently went to Liberty, TX to get a firsthand look at the flood damage and saw a Trinity River that was about 30 feet high—6 feet above flood stage—and 5 to 6 miles wide. Normally, the river is 200 feet wide at this point.

Fifty-four Texas counties have been declared disaster areas so far. The Federal Emergency Management Agency has received some 5,000 requests for help. The Red Cross tells me that more than 1,300 homes along the lower basin have been damaged or destroyed by the flood. A lot of people won't be returning to their homes or businesses for some time yet and when they do go back many will find desolation.

Mr. President, any natural disaster is tragic but the lingering effects of floods like this one are unique. An earthquake lasts a few seconds, a tornado a few minutes, a hurricane a few hours but the Trinity River will be overflowing its banks for many weeks yet. The river is expected to remain several miles wide on into the summer as floodwaters impounded behind dams upstream are gradually released.

In a sense, we Texans were fortunate that the situation wasn't worse. It would have been, but for flood control facilities already in place along the Trinity River. The U.S. Army Corps of Engineers reports that while the spring floods were devastating, those existing facilities prevented much more damage and heartache.

Mr. President, the Corps estimates flooding along the Upper Trinity River Basin caused damages of as much as \$300 million and says an additional \$2 billion in damages was prevented by flood control measures already in place. The Corps is still working on estimates for the Middle and Lower Trinity River Basins.

It's good that we have flood protection along the Trinity River but we obviously need more.

Mr. President, this resolution is intended to help us identify flood control strategies to alleviate this hardship we have seen in Texas. Flood control projects already in place on the Trinity paid for themselves almost five times over during this year's flood. They have, in fact, paid for themselves some 10 times over since they are built.

This resolution authorizes a sum of \$900,000 for completion of the study. The Trinity River Authority has expressed a willingness to be the local sponsor.

Anyone who has witnessed the personal tragedies resulting from this year's flooding in Texas will understand the urgent need for action on my proposal. I'll be pushing for swift approval.

Mr. President, I urge the Environment and Public Works Committee to move with dispatch in approving this resolution. ●

SENATE RESOLUTION 296—RELATIVE TO TAIWAN'S MEMBERSHIP IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. ROTH submitted the following resolution; which was referred to the Committee on Finance

S. RES. 296

Whereas on January 1, 1990, the Government of Taiwan formally requested the Secretariat of the General Agreement on Tariffs and Trade (GATT) to initiate the procedure necessary for its accession to the GATT;

Whereas the Government of Taiwan has applied for membership in the GATT as a separate customs territory under GATT Article XXXIII under the name "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu", to ensure that its application includes only those areas where the Government of Taiwan currently possesses full autonomy in the conduct of its external commercial relations;

Whereas Taiwan is a significant participant in the global economy, being the thirteenth largest trading entity and maintaining the second largest foreign exchange reserves in the world, and is one of the last major market-based economies that is noticeably absent from the GATT;

Whereas the United States and Taiwan maintain an important bilateral trading relationship, with Taiwan being the fifth largest trading partner of the United States and the United States being the second largest exporter to Taiwan;

Whereas Taiwan has made substantial progress in its economic development, and has taken steps to open up its economy, including lowering its average tariff rates, reducing its barriers to foreign investment, and increasing its protection of intellectual property rights;

Whereas the United States supports additional action by Taiwan to provide full open market access to United States goods and services and to ensure that United States intellectual property rights are fully enforced, and the need for Taiwan to continue to make progress in these and other areas is to

the mutual benefit of the United States and Taiwan;

Whereas the GATT is the premier multilateral body for regulating trade worldwide, and the United States and 96 other contracting parties of the GATT are in the final stages of the Uruguay Round of multilateral trade negotiations, which is the most ambitious effort ever undertaken by the GATT to expand, strengthen and revitalize multilateral trade rules and principles;

Whereas the successful conclusion of the Uruguay Round will establish multilateral and enforceable disciplines in key areas affecting the bilateral trade between the United States and Taiwan, including the areas of services, intellectual property rights, and agriculture;

Whereas Taiwan currently adheres to the guiding principles of the GATT on a de facto basis, is expressly committed to assuming greater international economic responsibility by its willingness to accede to the GATT as a developed economy, and has indicated its desire to join formally with other GATT contracting parties in implementing the final results of the Uruguay Round; and

Whereas Taiwan's membership in the GATT will foster the further liberalization of Taiwan's economy along GATT lines, will serve as an exemplary model for other developing countries, will allow key United States-Taiwan trade issues to be addressed in the multilateral context, and will contribute to the overall strengthening of GATT rules of trade and of the GATT as an institution: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the accession of Taiwan to the GATT is in the best economic interest of the United States and of the world trading system as a whole and should be achieved prior to the end of the Uruguay Round; and

(2) the Government of the United States should fully support Taiwan's accession to the GATT by calling for the favorable and immediate consideration of Taiwan's request for contracting party status at the next GATT Council meeting, and by taking any additional steps deemed necessary to assure Taiwan's prompt membership in the GATT.

● **Mr. ROTH.** Mr. President, on January 1, 1990, Taiwan formally began the process of seeking membership in the General Agreement on Tariffs and Trade [GATT]. This is a positive development for the world economy, and I am pleased to introduce today a resolution calling for the United States to strongly support Taiwan's request for accession to the GATT.

Just glancing at some basic economic facts offers a compelling case for Taiwan's GATT membership. For example, Taiwan is the 13th largest trading entity worldwide. Bilaterally, Taiwan ranks as the United States' fifth largest trading partner, representing our ninth largest export market, and our fourth largest source of imports. We are also Taiwan's primary foreign investor and trading partner—over 22 percent of Taiwan's imports originate in the United States. Clearly, such an important U.S. trading partner and key participant in the world economy should be part of our multilateral system of trade rules and principles.

Over the past few years, Taiwan has made remarkable progress in its economic development and has become, in many respects, an economic powerhouse. Central to Taiwan's economic growth and development has been its government's recognition of the critical role foreign trade plays in moving Taiwan up the scales of development toward a fully industrialized and competitive economy. While emphasis has been placed primarily on establishing health export sectors, over the recent past, there has been newly focused attention on greater liberalization of the domestic market. This has been accomplished through a variety of measures, such as lowering average tariff rates, reducing barriers to foreign investment, and improving the amount of protection afforded to intellectual property rights.

Opening up Taiwan's market is critical to enhancing United States export competitiveness, and, in fact, many of the steps Taiwan has taken so far on market access have been closely related to United States-Taiwanese bilateral trade talks and negotiations. Taiwan still has a ways to go in achieving a fully open market and its membership in the GATT would undoubtedly serve as a strong and positive force in propelling Taiwan in this direction. Taiwan has recognized this, as well, as a fundamental reason for joining the GATT.

There should be no doubt in anyone's mind that Taiwan's membership in the GATT is in the best interests of the United States and the world economy. This would be significant to the GATT as an institution as it would bring into its ambit the last major market-based economy. The current Uruguay Round and its key goal of extending GATT rules to services, intellectual property rights, and agriculture—three areas where Taiwan's economy still remains relatively closed—further magnify the importance of Taiwan's accession to this critical multilateral trade body.

At issue here are commercial, not political concerns. National sovereignty is not, and should not be, a requirement or even a condition for joining the GATT. In fact, under article XXXIII, accession to the GATT can be premised on a government having "a separate customs territory possessing full autonomy in the conduct of its external commercial relations * * *." To ensure this is absolutely clear, Taiwan has applied to the GATT under the name "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu."

It is high time we started paying greater attention to our commercial interests. Strongly supporting Taiwan's accession to the GATT would be a right step in that direction. Taiwan's GATT membership will foster a fully open economy along GATT lines,

which will in turn lead to greater United States exports to Taiwan. Interjecting a serious dose of multilateralism to Taiwan's global trade responsibilities will only help improve United States-Taiwan trade relations.

In this regard, it should be noted that Taiwan has indicated that it would like to join the GATT as a developed economy. This will strongly benefit the GATT institutionally and all of its members economically in light of the fact that GATT rules provide sweeping GATT-rule exemptions for developing countries. Taiwan will be the first newly industrialized economy to adopt developed economic status under the GATT, which would set an exemplary precedent for other developing countries to follow.

The resolution I am introducing here today recognizes that Taiwan's accession to the GATT is in our national economic interest and in the best interest of the world trading system, and that it should be accomplished prior to the end of Uruguay Round. To this end, my resolution calls on our Government to fully support Taiwan's GATT membership by raising it at the next GATT council meeting and by taking any additional steps necessary to assuring favorable consideration of Taiwan's accession request. One such step would be, in my view, raising this matter with the G-7 countries at the upcoming July Economic Summit.

I urge all my Senate colleagues to support this resolution, which I believe will assist Taiwan in its positive and constructive quest for becoming a full-fledged member of the GATT. ●

SENATE RESOLUTION 297—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and **Mr. DOLE**) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas, in *In The Matter of Provident Life and Accident Insurance Company*, No. Civ. 1-90-219, pending in the United States District Court for the Eastern District of Tennessee, the investigatory power of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as *amicus curiae* in the name of a subcommittee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as *amicus curiae* in the name of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs in *In The Matter of Provident Life and Accident Insurance Company*,

and in any related litigation, to defend the investigatory power of the Subcommittee.

AMENDMENTS SUBMITTED

CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH

WIRTH AMENDMENT NO. 2003

(Ordered to lie on the table.)

Mr. WIRTH submitted an amendment intended to be proposed by him to amendment No. 1975 intended to be proposed by him to the bill (S. 1970) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, as follows:

In lieu of the matter proposed to be added, add the following:

SEC. . FULL FUNDING OF INVESTIGATION AND PROSECUTION OF FINANCIAL INSTITUTION CRIMES.

(a) FINDINGS.—The Senate finds that—

(1) fraud and other criminal activity contributed significantly to the savings and loan industry's losses and will cost taxpayers billions of dollars;

(2) Attorney General Richard Thornburgh recently spoke of an "epidemic of fraud" in the savings and loan industry and indicated that at least 25 to 30 percent of savings and loan failures can be attributed to criminal activity by the institution's officers and management;

(3) officials at the Resolution Trust Corporation indicate that an estimated 60 percent of the institutions the corporation has seized "have been victimized by serious criminal activity";

(4) investigating and prosecuting criminal activity related to the savings and loan crisis will help send an important message of "never again" to those involved in the financial industry;

(5) the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 authorized \$75,000,000 annually for 3 years to investigate and prosecute financial institution crimes;

(6) the President requested only \$50,000,000 of that authorization on behalf of the Department of Justice for the current fiscal year;

(7) Federal Bureau of Investigation and United States Attorneys' offices requested 224 more special agent positions, 113 more assistant United States attorney positions, and 142 more support staff positions than the agencies received as a result of the \$50,000,000 in new funding;

(8) the Federal Bureau of Investigation has received more than 20,000 referrals involving fraud in the financial services industry that the Bureau has been unable to examine, more than 1,000 of which are major cases that involve losses of more than \$100,000;

(9) as of February 1990, the Bureau also had more than 7,000 pending bank fraud and embezzlement cases, some 3,000 of which were major cases;

(10) more than 900 pending cases and more than 200 unaddressed referrals involve losses greater than \$1,000,000;

(11) regulators will examine and close more insolvent institutions, and the Department of Justice will receive thousands more

referrals of possible criminal activity related to savings and loan failures, increasing the workload for Federal investigators and prosecutors;

(12) the passage of time makes investigation more difficult and expiring statutes of limitation could allow serious crimes to go unpunished if investigation and prosecution is delayed; and

(13) the current level of resources devoted to investigating and prosecuting fraud and criminal activity within the financial services industry is inadequate to address the crimes that contributed to the losses of savings and loan associations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should, at a minimum, seek the full \$75,000,000 authorized for the Department of Justice for fiscal year 1991 to pursue the investigation and prosecution of financial institution crimes; and

(2) the President should allocate additional resources as necessary to ensure that criminal activity that contributed to losses to the Federal deposit insurance funds is investigated and prosecuted to the fullest practicable extent.

HATCH AMENDMENTS NOS. 2004 THROUGH 2008

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to an amendment intended to be proposed to the bill S. 1970, supra, as follows:

AMENDMENT No. 2004

At the end, add the following:

"Notwithstanding any other provision, none of the provisions of this Act dealing with assault weapons shall become effective."

AMENDMENT No. 2005

At the end, add the following:

Strike on page 46, line 15, through page 53, line 5, and insert in lieu thereof the following:

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. PENALTIES FOR IMPROPER TRANSFER, STEALING FIREARM, OR SMUGGLING A FIREARM IN DRUG-RELATED OFFENSE.

Section 924 of title 18, United States Code, is amended by—

(1) redesignating subsections (f) and (g), and any references to such subsections, as added by section 6211 of Public Law 100-690, as subsections (g) and (h), respectively; and

(2) adding at the end thereof the following:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than 10 or more than 20 years, and may be fined under this title.

"(k) Whoever, with the intent to engage in, or to promote, conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3));

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than 20 years, fined under this title, or both."

SEC. 402. REVOCATION OF SUPERVISED RELEASE.

Section 3583 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the court has provided as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant refrain from possessing a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to the limitations of paragraph (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision."

AMENDMENT No. 2006

At the end add the following:

Strike on page 52, line 25, beginning with "be" through page 53, line 5, and insert in lieu thereof "not be effective."

AMENDMENT No. 2007

At the end, add the following:

Strike on page 46, line 15, through page 53, line 5, and insert in lieu thereof the following:

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. PENALTIES FOR IMPROPER TRANSFER, STEALING FIREARM, OR SMUGGLING A FIREARM IN DRUG-RELATED OFFENSE.

Section 924 of title 18, United States Code, is amended by—

(1) redesignating subsections (f) and (g) and any references to such subsections, as added by section 6211 of Public Law 100-690, as subsections (g) and (h), respectively; and

(2) adding at the end thereof the following:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than 20 or more than 30 years, and may be fined under this title.

"(k) Whoever, with the intent to engage in, or to promote, conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3));

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than 30 years, fined under this title, or both."

SEC. 402. REVOCATION OF SUPERVISED RELEASE.

Section 3583 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) **MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.**—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to the limitations of paragraph (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision."

AMENDMENT No. 2008

At the end, add the following:

Strike on page 46, line 15, through page 53, line 5, and insert in lieu thereof the following:

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. PENALTIES FOR IMPROPER TRANSFER, STEALING A FIREARM, OR SMUGGLING A FIREARM IN DRUG-RELATED OFFENSE.

Section 924 of title 18, United States Code, is amended by—

(1) redesignating subsections (f) and (g), and any references to such subsections, as added by section 6211 of Public Law 100-690, as subsections (g) and (h), respectively; and

(2) adding at the end thereof the following:

"(j) Whoever steals any firearm which is moving as, or is part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than 15 or more than 30 years, and may be fined under this title.

"(k) Whoever, with the intent to engage in, or to promote, conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3));

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than 30 years, fined under this title, or both."

SEC. 402. REVOCATION OF SUPERVISED RELEASE.

Section 3583 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) **MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.**—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation,

revoke the term of supervised release and, subject to the limitations of paragraph (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision."

KENNEDY AMENDMENT NO. 2009

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 1975 intended to be proposed by Mr. WIRTH to the bill S. 1970, supra, as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

(a) **DEPORTATION OF ALIENS CONVICTED OF CRIMES OF VIOLENCE.**—Section 241(a)(4) of the Immigration and Nationality Act is amended by striking the word "or" the last time it appears and inserting at the end the following: "(C) is convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) and who has served any term of imprisonment imposed by a court of at least one year;"

(b) **REENTRY OF DEPORTED ALIENS.**—Pursuant to its authority under section 994(b) of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 276(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1325) shall be assigned an offense level under chapter 2 of the sentencing guidelines that constitutes a meaningful deterrence to the commission of such offense.

SIMPSON (AND KENNEDY) AMENDMENT NO. 2010

(Ordered to lie on the table.)

Mr. SIMPSON (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 1755 intended to be proposed by Mr. HATCH to the bill S. 1970, supra, as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

"SEC. . SPECIAL VISAS.

"Chapter 2 of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding at the end the following new section:

"SEC. 219. SPECIAL VISAS FOR NATIONAL SECURITY AND RELATED PURPOSES.

"(a) **NATIONAL SECURITY.**—Subject to subsection (c), permanent residence may be granted to aliens who are determined eligible under section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) or under section 4 of the Atomic Weapons and Special Nuclear Materials Rewards Act (50 U.S.C. 47c).

"(b) **MAJOR CRIMINAL PROSECUTIONS AND INVESTIGATIONS.**—If the Attorney General, The Director of the Federal Bureau of Investigation, and the Commissioner of the Immigration and Naturalization Service determine that the granting of permanent residence to a particular alien is essential to United States public safety or necessary to protect the life of an individual who has provided extraordinary cooperation to Fed-

eral law enforcement (including cooperation in the prosecution of drug kingpins), such permanent residence may be granted to such alien (and to such alien's immediate family), subject to subsection (c).

"(c) **LIMITATIONS.**—(1) The number of aliens and members of their immediate families entering the United States under this section may not exceed 100 persons in any one fiscal year.

"(2) Aliens granted benefits under this section may enter without regard to their admissibility under this Act, except that no alien may receive the benefits of this section if the Attorney General determines that such alien has committed an aggravated felony.

"(3) The Attorney General shall terminate the benefits described in subsection (b) at any time during the first three years after which an alien has been granted such benefits if the alien does not continue to provide the cooperation promised to federal law enforcement authorities."

AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

SPECTER AMENDMENTS NOS. 2011 AND 2012

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to amendment No. 2000 proposed by Mrs. KASSEBAUM to the bill (S. 341) to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel, as follows:

AMENDMENT No. 2011

SECTION 1. In section 107(a)(1), strike "twenty" and insert in its place "thirty-five".

SEC. 2. In section 107(a)(2), strike "twenty" and insert in its place "thirty-five".

SEC. 3. Strike section 112.

SEC. 4. Renumber section 113 as 112, section 114 as 113, and section 115 as 114.

AMENDMENT No. 2012

Section 1. Strike all beginning with section 107(a)(1) and insert the following:

(1) Thirty-five years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm. Thirty-five years from the date of the replacement or addition.

(b) subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to air-

craft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SUBSEQUENT REMEDICAL MEASURES

SEC. 108. In any general aviation accident liability action governed by this title, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under rule 407 of the Federal Rules of Evidence.

ADMISSIBILITY OF CERTAIN EVIDENCE

SEC. 109. In an action governed by this title, evidence of Federal, State, or local income tax liability or any Social Security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

PUNITIVE DAMAGES

SEC. 110. (a) Punitive damages may be awarded in an action under this title for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this title is not admissible unless the claimant establishes, before any such evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(c) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages pursuant to the provisions of this title regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

TIME LIMITATION ON BRINGING ACTIONS

SEC. 111. (a) Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within two years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one-hundred-and-twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to rule 4(l) of the Federal Rules of Civil Procedure or any similar State law.

JURISDICTION

SEC. 112. (a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, without regard to the amount in controversy. In all civil actions for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 106(d) of this title.

(b) A civil action which is brought in a State court may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party and without regard to the amount in controversy, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under subsection (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense, or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (1) of this subsection, a district court may, on motion of any party or its own motion, transfer the action to any other district for the convenience of parties and witnesses in the interest of justice.

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEVERABILITY

SEC. 113. If any provision of this title or the application of the provision to any person or circumstance is held invalid, the remainder of this title and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 114. (a) This title shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this title.

(b) If an action governed by this title is filed within one hundred and eighty days after the date of enactment of this title, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this title.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 7, 1990, at 2 p.m. to receive testimony on the strategic defense initiative in review of S. 2171,

the Department of Defense Authorization Act for fiscal year 1991.

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

COMMITTEE ON THE JUDICIARY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 7, 1990, at 9:30 a.m., to hold a hearing on club membership of judicial nominees.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, June 7, 1990, at 10 a.m. to conduct a hearing on the nomination of Joseph G. Schiff to be an Assistant Secretary of Housing and Urban Development.

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

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH AND DEVELOPMENT

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 7, beginning at 3 p.m., to conduct a markup of S. 1893, to reauthorize the Asbestos School Hazard Abatement Act of 1984 [ASHAA].

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BIDEN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on oversight of VA prosthetics and special-disabilities programs on Thursday, June 7, 1990, at 9:30 a.m. in SR-418.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 7, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON FINANCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate of June 7, 1990, at 10 a.m. to hold a hearing on S. 2411, the Textile Apparel and Footwear Trade Act of 1990.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on June 7, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building, for a hearing on S. 2340, the Indian Children's Services and Family Violence Prevention Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 7, at 2:30 p.m. to hold an ambassadorial nomination hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 7, at 10 a.m. to hold a business meeting to mark up the supplemental state authorization and to act on other pending business.

AGENDA

The Committee will consider and vote on the following business items:

I. LEGISLATION

(1) An original Committee bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State.

(2) S. Con. Res. 124, expressing the sense of the Congress regarding human rights violations against the Albanian ethnic minority in southern Yugoslavia.

(3) S. Con. Res. 60 (as amended), expressing the sense of the Senate that an impartial investigation of all alleged sightings of Raoul Wallenberg since 1947 be made.

(4) S. 1941 (with a technical amendment), to implement the obligations of the U.S. under the Inter-American Convention on International Commercial Arbitration.

(5) S. Con. Res. 126, calling for a continuation of the moratorium on commercial whaling until the year 2000.

(6) S. Res. 293, concerning Polish debt reduction.

(7) S. Con. Res. 137, expressing the sense of Congress that the 1990 Nuclear Non-Proliferation Treaty (NPT) Review Conference should reaffirm the support of the parties for the objectives of the NPT, in particular preventing the spread of nuclear weapons to additional countries.

II. NOMINATIONS

(1) Mr. Charles H. Thomas, of Maryland, to be Ambassador to the Republic of Hungary.

(2) Mr. Steven E. Steiner, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Representative to the Special Verification Commission.

(3) Mr. E.U. Curtis Bohlen, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

(4) Mr. Paul C. Lambert, of New York, to be Ambassador to the Republic of Ecuador.

(5) Mr. Malcolm S. Forbes, Jr., of New Jersey, to be a Member of the Board for International Broadcasting, for a term expiring April 28, 1992. (Reappointment)

(6) Mr. Don M. Newman, of Indiana, for the rank of Minister during his tenure of service as U.S. Representative on the Council of the International Civil Aviation Organization.

(7) Mr. Frank D. Yturria, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term of six years. (New Position)

(8) Mr. Norton Stevens, of New York, to be a Member of the Board of Directors of the Inter-American Foundation for a term of six years. (New Position)

(9) Mr. Alan Philip Larson, of Virginia, to be the U.S. Representative to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

(10) Mr. James Keough Bishop, of New York, to be Ambassador to the Somali Democratic Republic.

(11) Mr. Peter Jon de Vos, of Florida, to be Ambassador to the Republic of Liberia.

(12) Mr. Dane Farnsworth Smith, Jr., of New Mexico, to be Ambassador to the Republic of Guinea.

(13) Foreign Service Officers' promotion list, dated May 18, 1990, Mr. Emilio Iodice, et al.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BIDEN. 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 June 7, 1990, at 10:30 a.m., room SR-253, to consider S. 1880, the Cable Television Consumer Protection Act of 1989 (Tom Cohen, Toni Cook).

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, June 7, for a markup on the following legislative items: S. 1742, the Federal Information Resources Management Act; S. 2608, Inspector General Act amendment to clarify authority; S. 677, to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions; H.R. 2514, Thrift Plan Technical Amendments Act of 1990; and S. 485, the White House Conference on Homelessness Act; and the nomination of Pamela Talkin, to be member of the Federal Labor Relations Authority.

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

ADDITIONAL STATEMENTS

COMMEMORATING THE FIRST ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE

● Mr. BUMPERS. Mr. President, Monday, June 4, marked the first anniversary of the Tiananmen Square massacre. It is a day that will endure in our collective conscience as a brutal reminder to all people that freedom is a gift to be cherished, not a thing to be ignored. For us, the images that the word freedom bring to mind are ingrained deeply in the American soul, creating broad mental landscapes which constitute the entire sum of the American experience.

But for the people of China, freedom is something that exists only as a dream, tangible without being real. It is desired by a people who innately understand its virtues, yet have not had the chance to experience firsthand the opportunities that freedom brings. What the people of China were denied that fateful day in Tiananmen Square was the fundamental right of self-determination; a moral absolute that is as clear and as true as anything I know. And it is because we are dealing with a moral absolute that I believe the United States has the obligation to let the world know that we have an unwavering commitment to those rights with which all people are endowed.

From Czechoslovakia to Mongolia, people all over the Communist world are asserting their right of self-determination, and in China that right has been violently quashed. People everywhere are saying they will no longer allow governments to treat them as an enemy, or support a government which they consider to be their enemy. It is a revolution that only a year ago was beyond anyone's wildest dreams. And yet, last spring, the people of China blazed a trail that would be followed by the rest of the Communist world.

I believe the United States should never be afraid to stand as a leader among nations whenever tyranny raises its ugly head. Sadly, I believe that President Bush has failed in his role as the leader of the worldwide freedom movement; a leader to whom those struggling for freedom turn. He has made feeble promises to the brave revolutionaries who dared to risk their lives for freedom, but he has rewarded China by restoring its most-favored-nation status. What kind of signal is being sent to the students and workers of China who rallied around Lady Liberty in Tiananmen Square only a year ago?

The Bush policy is fatally flawed because it refuses to see that China's gerontocracy will soon fade from this Earth, and will become only a painful

memory to all those who were forced to live under its oppressive rule. The youthful democratic revolutionaries on the other hand will continue to press for reform, and will ultimately become the leaders of their nation. I am convinced that the democratic movement in China will continue to look to America as an example of democracy in spite of the Bush administration's policy, and it is my belief that the democratic movement in that country will ultimately prevail.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by \$3.3 billion in budget authority, and over the budget resolution by \$4.2 billion in outlays. Current level is under the revenue floor by \$5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is \$114.8 billion, \$14.8 billion above the maximum deficit amount for 1990 of \$100.0 billion.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, June 6, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through June 5, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 21, 1990, the President has signed into law the Dire Emergency Supplemental Appropriations Bill (P.L. 101-302). This action increased the current level estimate of budget authority and outlays.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS., AS OF JUNE 5, 1990

(In billions of dollars)

	Current level ¹	Budget resolution H. Con. Res. 106	Current level +/— resolution
Budget authority.....	1,326.1	1,329.4	—3.3
Outlays.....	1,169.4	1,165.2	4.2
Revenues.....	1,060.3	1,065.5	—5.2
Debt subject to limit.....	3,063.9	3,122.7	—58.8
Direct loan obligations.....	19.1	19.3	—2
Guaranteed loan commitments.....	115.1	107.3	7.8
Deficit.....	114.8	100.0	14.8

¹ The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlements or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

² Maximum deficit amount (MDA) in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

³ Current level plus or minus MDA.

THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS JUNE 5, 1990

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues.....			1,068,600
Permanent appropriations and trust funds.....	954,917	791,226	
Other legislation.....	639,255	638,374	566
Offsetting receipts.....	—237,825	—233,738	
Total enacted in previous sessions.....	1,356,347	1,195,862	1,069,166

II. Enacted this session:			
Dire emergency supplemental appropriations (Public Law 101-302).....	2,293	666	
An act making technical amendments to title 5, United States Code (Public Law 101-303).....	2,293	665	
Total enacted this session.....			

III. Continuing resolution authority:			
IV. Conference agreements ratified by both Houses:			
Amtrak Reauthorization and Improvement Act (H.R. 2364).....	—10		—10

V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges.....	—8	1	
Payment of judicial officers' retirement fund.....	—4	—4	
Judicial survivors' annuities fund.....	—3	—3	
Fees and expenses of witnesses.....	—5		
Justice assistance.....	—4		
Fisherman's guaranty fund.....	1	1	
Administration of territories.....	—1		
Firefighting adjustments.....	—1,057	—192	
Federal unemployment benefits (FUBA).....	5		
Advances to unemployment trust fund.....	(48)	(48)	
Special benefits.....	—24		
Black Lung disability trust fund.....	52	32	
Vaccine improvement program trust fund.....	7	7	
Federal payments to railroad retirement.....	1	1	
Retirement pay and medical benefits.....	—4		
Supplemental security income program.....	263	263	
Special benefits, disabled coal miners.....	21		
Grants to states for Medicaid.....	—907		
Payments to health care trust funds.....	(325)	(325)	
Family support payments to States.....	84	84	
Payments to states for AFDC work programs.....	15	15	
Payments to states for foster care.....	—83		

THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS JUNE 5, 1990—Continued

	Budget authority	Outlays	Revenues
Health professions student loan insurance fund.....	—25	—7	
Guaranteed student loans.....		—175	
College housing and academic facilities loans.....	—3	—3	
Rehabilitation services.....	—79		
Payments to widows and heirs.....	(¹)	(¹)	
Reimbursement to the rural electrification fund.....	111	111	
Dairy indemnity program.....	(¹)	(¹)	
Conservation reserve program.....	720		
Special milk program.....	—2		
Food stamp program.....	—2,000		
Child nutrition programs.....	—74		
Federal crop insurance corporation fund.....	(¹)		
Agriculture credit insurance fund.....	342		
Rural housing insurance fund.....	(¹)		
Rural communication development fund.....	(¹)		
Payments to the farm credit system financial assistance corporation.....	—2		
Coast Guard retired pay.....	—17		
Payment to civil service retirement.....	(84)	(84)	
Government payments for annuities.....	—3	—2	
Readjustment benefits.....	—62		
Compensation.....	258	208	
Pensions.....	—62		
Burial benefits.....	—4		
Loan guaranty revolving fund.....	—7		
Disaster relief.....	—4,100	—883	
Total entitlement authority.....	—3,834	—371	
VI. Adjustment for economic and technical assumptions.....	—28,685	—26,763	—8,900

Total current level as of June 5, 1990.....	1,326,120	1,169,393	1,060,256
1990 budget resolution H. Con. Res. 106.....	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution.....		4,193	
Under budget resolution.....	3,280		5,244

¹ Less than \$500,000.

Notes.—Numbers may not add due to rounding. Amounts shown in parentheses are interfund transactions that do not add to totals.●

THE CONFLICT IN KASHMIR

● Mr. WILSON. Mr. President, recent tensions in the State of Jammu and Kashmir have once again brought India and Pakistan to the threshold of war. Riots have broken out, curfews have been imposed, and death tolls continue to mount on both sides. While the leaders of India and Pakistan have both indicated a desire to end the violence, peace in this region seems ever more remote.

The tiny State of Jammu and Kashmir, bounded on the west by Afghanistan and Pakistan, and on the east by China, remains the seat of a conflict regional in its dimensions but potentially international in scope. Since 1947, disputes over Jammu and Kashmir have already caused two wars between India and Pakistan. But another Indo-Pakistani battle could escalate into a world tragedy because both countries now possess lethal technological weapons.

It is highly unfortunate that this issue has rekindled animosities between two democratically elected governments in the strategic southern cone of Asia.

Continued violence and stalemate in Jammu and Kashmir can only undermine the stability of each nation—one trying to solve its own internal ethnic disputes, and the other struggling to move out from under the shadow of dictatorship.

Although recent history would discourage us from hoping for a peaceful resolution of Jammu and Kashmir problems, the United States cannot afford to sacrifice hope or consign the innocent civilians of this region to a fate of protracted war.

Our diplomats must seize upon the glimmers of hope that have emerged and try to transform them into enduring commitments between India and Pakistan.

Both sides have already stated that they do not want war if they can avoid it.

Both sides have already proposed democratic solutions for Jammu and Kashmir that while different in form, are similar in principle.

Both sides have already denounced extremists who would murder their way into power.

And most importantly, Mr. President, both sides have compelling interests in achieving a settlement of this crisis without taking up arms against each other.

America, in this case, must become the radical defender and ambassador of peace. Our moral and political responsibilities compel our Nation—which has assisted in fostering new experiments in self-determination all over the world—to do nothing less for the people of Jammu and Kashmir.●

TRIBUTE TO CITIZENS OF BURKE COUNTY, NC, ON ORGANIZING DRUG SUMMIT

● Mr. SANFORD. Mr. President, I rise today to recognize and applaud the efforts of the citizens of Burke County, NC, for organizing the drug summit being held tonight in the Morganton City Hall. During the course of this antidrug program, members of the education, human services, law enforcement, government, and business sectors will gather for a frank discussion on the drug problem in Burke County.

The young people of our Nation are those more vulnerable to the current drug epidemic that has touched, in some way, nearly every community in America. Each day offers a new challenge in our fight to discourage drug use among our youth. For this reason, the residents of Burke County acknowledge that it is up to the parents and the entire community to educate the children about the dangers of drugs and to take the time to offer guidance to those who are confronted with the temptation of drug use.

Those attending the drug summit tonight will hear the testimony of three

Burke County citizens who deal daily with the drug crisis. Two of these residents offer their services to the youth of the community through counseling programs, while another is a University of North Carolina student who grew up in public housing and has witnessed the effects of drugs in the lives of those around her. The dialog between the residents and the witnesses will result in an honest assessment of the dangers of drug abuse. Emphasis will be placed on the need for parents and guardians to serve as role models for the youth. Role models should demonstrate by example that, despite the hardships that befall a person throughout life, people can and do find resolutions to their problems without turning to drugs.

What is happening tonight in Burke County, NC, is an excellent example of how community groups and families should be working together to fight back against drug abuse. This forum emphasizes that the family is at the very core of the solution to the drug problem, and that our children must have community role models to emulate and respect.

I commend the mayor of Morganton, Mr. Mel Cohen, and the mayor of Valdese, Mr. Jimmy Draughn, and all those who were instrumental in organizing the drug summit in Burke County. I support their efforts and I hope that many more such summits take place across North Carolina and across the Nation.●

TRIBUTE TO ESTHER LANDA

● Mr. HATCH. Mr. President, I wish to draw the attention of my colleagues and the Nation to the well-deserved tribute to one of my distinguished constituents, a septuagenarian who has not slowed down with age but rather has increased her pace and has become a rallying symbol for others to emulate. I refer to Esther Rosenblatt Landa, who, on Saturday, June 9, 1990, will be honored by her fellow citizens of all persuasions for her decades of service to her native State and Nation. Consistent with her range of human endeavor, the proceeds of this tribute to Mrs. Landa will benefit Salt Lake City's new Homeless Children's Foundation and the National Council of Jewish Women, the oldest national Jewish women's organization in America.

Esther R. Landa, a native Utahn, inspires all who have crossed her path and the multitude who have been galvanized by her agility to advance human welfare. Esther, as she is affectionately known to old and young throughout my State, is a powerhouse of energy, perseverance, and idealism. She never shies away from leadership positions, which stand as a testament to the courage and capacity of her

loving, generous, and indomitable spirit.

From 1975 to 1979, Esther was the national president of the National Council of Jewish Women. She also served on the President's Committee for a National Agenda for the 1980's, the President's Advisory Committee on Women, and as a member of the U.S. delegation to the U.N. Mid-Decade Conference for Women in Copenhagen. Among others academic affiliations, Esther maintains membership on the advisory council of the University of Utah's School of Social Work. She was among the underwriters of one of the leading women's newspapers and networks and has received numerous rewards and citations from dozens of organizations across the Nation.

The Homeless Children's Foundation was recently founded in Salt Lake City by Marilyn Treshow, executive director; Susan Hill, project director; Wally Sandack, attorney; and Diane Bohling, Suzanne Smith, Kathleen Mallory-Byers serve as members of the board. The foundation provides an early childhood learning program for children living in poverty. The Homeless Children's Foundation provides much-needed day care/preschool for homeless children ages 3-5. The goal of the project is to show the importance of early intervention in promoting children's positive attitudes toward learning and to demonstrate Utahns' commitment to educational accessibility for all children.

With her late husband, Jerry Landa, Esther raised three children in Salt Lake City and is the grandmother of five grandchildren. Her daughter, Carol Landa, M.P.A., is now teaching in San Francisco, CA; her son, Howard, and daughter-in-law, Theresa Landa, retain the family lineage in Salt Lake City. Her daughter Terry with her husband Ray Vismantas reside in Highland Park, IL. Esther is fond of saying, "Jerry and I have strived all our lives to provide our children, grandchildren, and succeeding generations with a legacy of service that will endure and survive the vicissitudes of life."

I hope my colleagues and the Nation will join me in saluting this great American during the tribute being paid to her by her fellow citizens on Saturday, June 9, 1990, and wishing her many more years of humane entrepreneurship.●

HEALTH CARE FINANCE FLEXIBLE BILLING

● Mr. PRYOR. Mr. President, I am pleased to add my name to Senator HEFLIN's bill, S. 2051. This legislation provides for more flexible billing arrangements in situations where physicians have arrangements with col-

leagues to cover their practice on an occasional basis. The Health Care Financing Administration plans to strictly enforce "reassignment prohibition" which would require covering physicians to bill their colleagues' patients for any services rendered, unless the physician is the employer.

Mr. President, I applaud the efforts of the Health Care Financing Administration to monitor fraudulent practices of providers. I recognize that the law Health Care Financing Administration intends to enforce more strictly is a measure to protect against fraudulent billing practices. Logic tells us that Medicare should not reimburse a physician for care not delivered by that physician. As chairman of the Senate Special Committee on Aging, I am deeply concerned about protecting the Medicare Program from fraud and abuse.

At the same time, I am concerned about attracting and keeping qualified health care providers in rural areas. In this case, I am particularly concerned about the impact the strict enforcement of reassignment prohibition may have on physicians practicing in rural areas. Many physicians in rural areas rely on a reciprocal call arrangement for needed time away from their practice.

We must ensure that we do not have overly burdensome regulations, while maintaining sufficient checks on fraudulent activities. It is with this in mind that I look forward to working with Senator HEFLIN, my colleagues and the Health Care Financing Administration to achieve this goal. Although there has been some discussion that the bill does not strike a perfect balance between prevention against fraud and flexibility for physicians, I believe it represents an important first step. I urge my colleagues to join us in this effort to strike this balance.●

COLUMBUS: COUNTDOWN 1992

Mr. D'AMATO. Mr. President, I rise today in order to offer my support for Columbus: Countdown 1992 which is a nonprofit education foundation.

I am sure that all are aware of the upcoming quincentennial of Christopher Columbus' voyage to the United States. Columbus' determination to overcome the many obstacles facing him allowed him to discover America. This in turn spurred the immigration that made our country the great place it is today.

Many festivities have been planned to honor this remarkable celebration. One such commemoration is a year long event sponsored by Columbus: Countdown 1992. The celebration is to begin October 1, 1991, and last through December 31, 1992. The official title of the event will be, "The Multi-Ethnic Legacy of Columbus: A

Quincentenary Celebration." The activities planned range from lectures, to readings, special television showings, and art exhibits. Participants of this extraordinary event include the multiethnic community of New York City, embassies, foreign governments, and universities.

This proves to be a most memorable celebration and one which has been well-planned. It is my hope that this project will be very successful.●

SCOUTS, WITH HELP OF BUSINESS AND OTHERS, BUILD CAMPGROUND

● Mr. BAUCUS. Mr. President, I am pleased to tell the Senate about a project that exemplifies civic responsibility and occurred in my home State of Montana.

On August 11, 1989, 45 Varsity Scouts/Explorers met with 28 adult leaders at Kreis Pond, Ninemile Ranger District in the Lolo National Forest. By 4 that afternoon, they had constructed the following: A new \$40,000 campground, complete with eight heavy plank picnic tables, fire circles, tent pads, barrier parking spurs, a picnic area, two restrooms, and a section of access road. In addition to those remarkable accomplishments, they built 1 mile of trail.

This project came about after 4 months of planning, involving nearly 100 teens and 50 adults. District Ranger Greg Munther worked closely with local Scout leaders in putting the project together. Chuck Spoon, program officer in charge of recreation at Lolo, was also very helpful.

The prefabrication work would not have been possible without the innovative partnership between the Boy Scouts of America and the Lolo National Forest. In addition, 45 businesses in the area donated supplies, equipment, building materials, services, money, and food for the crews. The Scouts raised money through washing cars and other projects to meet the costs of the planks and timber needed for the tables.

At the camp site, local contractors brought in a dozer-tractor, backhoes, dump trucks, a boom truck, and a flat-bed trailer—along with operators to run them. The machinery helped a lot, but much of the project was accomplished through good old manual labor.

In addition to the benefits area residents will get from the facility, the project has accomplished an even more important goal: Fostering cooperation between teen groups and adults.

The opportunity to work side by side was beneficial for both the Scouts and the adults. I am sure both groups learned a great deal from each other and I hope they'll continue to work together.

I commend these Scouts, their leaders, and all others involved in this project for their excellent accomplishment. In particular, Ranger Munther, Officer Spoon, Mullan Trail District Chairman Jack W. Piippo, church organizer Wynn Hubrich, Varsity Scout Commissioner Lyle Gomm, and the Scout who organized the youth involved for his Eagle Scout project, Jason Piippo, all deserve our special thanks.

I hope this group inspires others who would like to contribute to public service.●

THE NUCLEAR NONPROLIFERATION TREATY IN THE 1990'S

● Mr. GLENN. Mr. President, I rise in support of a concurrent resolution (S. Con. Res. 137) submitted on June 5 by my colleague, Senator BOSCHWITZ, in recognition of the contributions that the Nuclear Non-proliferation Treaty [NPT] is making to U.S. national security interests and to world order. As we approach the opening of a major international conference to review this treaty, it is appropriate to assess these contributions.

Before commenting further, I first want to compliment Senator Boschwitz for his sincere and long standing commitment to the goal of halting the global spread of nuclear weapons. Let no one doubt the level of bipartisan support that exists in this Congress for the NPT, an agreement that the preamble of this resolution rightfully declares "is the most widely adhered to and successful multilateral arms control treaty in history and is central to international security and stability."

NPT: A FOUNDATION, NOT A PANACEA

The NPT cannot be expected to eliminate forever the risk of nuclear proliferation. No treaty can enforce itself—a treaty is only as good as the support it has from its parties. Until nuclear weapons disappear from the face of the Earth, and probably even thereafter, there will always be the risk that additional nations will seek to obtain the bomb. There are risks today that even some existing treaty members might harbor ambitions to become nuclear weapon nations.

Here is how Adm. Thomas Brooks, the Director of Naval Intelligence, summarized this particular problem in unclassified testimony before the House Armed Services Committee's seapower subcommittee on March 14 of this year:

Several Third World states, including Iraq and North Korea, have advanced nuclear weapon development programs. Libya's nuclear program has been focused on basic research * * * but Qadhafi clearly wants nuclear weapons. Iran, with an eye toward Iraq's well-advanced program, is seeking its own nuclear weapons capability * * *.

Yet having correctly diagnosed a serious potential problem relating to the future of the treaty, Admiral Brooks, in looking over the shady records of these four NPT parties, came to the following conclusion in his testimony:

Efforts to control proliferation—such as the Missile Technology Control Regime [MTCR] and various nuclear non-proliferation treaties—have been largely ineffective, and are likely to remain so.

There are few here who will take issue with Admiral Brooks' diagnosis of an important threat to the NPT system; but I hope that there are many here who will disagree with his conclusion that the NPT has been ineffective in accomplishing its stated objectives.

Would we all be better off if these four nations left the NPT? Would stability in the Middle East be enhanced if Iran, Iraq, and Libya refused to agree to open all of their nuclear facilities up to international inspection, as required by the NPT? Would our security interests and those of our allies in East Asia be served if North Korea broke off its safeguards negotiations with the International Atomic Energy Agency [IAEA], left the NPT, and pursued its nuclear program entirely free from international inspections? Is it somehow the fault of the treaty, or is it rather some weakness in the national policies of the individual nuclear weapon nations or other countries with advanced civilian nuclear industries, that is to blame for the lack of international action against possible violations of the treaty by these four nations?

The NPT provides only a foundation—a solid foundation—for sustained international efforts to halt nuclear proliferation. Being no guarantee against proliferation, it should not be criticized for the failures of the national policies of the treaty's would-be defenders.

Instead, the treaty should be praised for what it has accomplished. It has helped create a strong international norm against the acquisition of nuclear weapons and the expansion of existing stockpiles. It has served to promote international commerce and scientific inquiry involving the peaceful uses of atomic energy. It has served as a confidence builder in regions known for chronic instabilities. It provides a common framework of reference for judging progress toward reducing the global spread of nuclear weapons. Clearly, it does a lot, but it does not do everything, and no one should expect it to do so.

CHALLENGES AHEAD

No treaty can escape the effects of time and changing events. I see the biggest challenges to the NPT as technological, economic, and political.

Various nuclear technologies are now evolving—such as those involving large-scale uses of nuclear weapon ma-

terials for commercial uses—that will make it extremely difficult, if not impossible, for the IAEA to detect the loss, diversion or theft of several bombs' worth of nuclear material. Someday, production of such materials may be possible by virtually any nation and even some terrorist groups.

This technological challenge to the NPT will grow even worse if nations, including most especially our own, do not come up with greater funding for IAEA safeguard activities. If a race is on between the development of better safeguards technology on the one hand, and more efficient means of producing bomb-grade materials on the other, all NPT parties must work to ensure the victory of the former.

We had better be sure that safeguards technology keeps the edge over the technology for producing plutonium and highly enriched uranium. The NPT and its system of international safeguards will not survive on rhetorical support alone.

Economic pressures will also continue to threaten the NPT. The recent decisions by China, the Soviet Union, and France to offer nuclear reactors to both India and Pakistan without any requirement for either NPT membership or agreement to full-scope international safeguards almost certainly had their roots in domestic pressures for export markets and the old political practice of using nuclear technology as a sweetener for bilateral diplomatic objectives. The Soviet Union—the only one of these three nations that is an NPT party—has also offered nuclear reactors to North Korea and Iran, notwithstanding widespread international concerns about the nuclear weapon aspirations of these nations. Its recent offers of reactors to two non-NPT nations in South Asia, nations that may now be poised for yet another war, seems particularly hard to square with the lofty official support the Soviet Union normally gives to the NPT and the IAEA safeguards system.

My colleagues Senators BOSCHWITZ and PELL have joined me as original cosponsors of a concurrent resolution—Senate Concurrent Resolution 113, now before the Foreign Relations Committee—addressing these South Asian nuclear sales and placing the Congress fully on record in support of full-scope international safeguards and the key objectives of the NPT. I have asked that Senators GORE, BINGAMAN, BOREN, SIMON, and WIRTH be added as cosponsors of that resolution.

CONCLUSION

Yes, there are challenges ahead. Yes, there are continuing risks of nuclear proliferation.

But most importantly—yes, the Nuclear Non-Proliferation Treaty is serving our national security interests, and yes, international society as a whole is far better off with such a treaty than

without it. It is a remarkable achievement indeed that 140 nations can come together and agree to commit themselves to an arms control accord so vital to their national security. The NPT is a remarkable treaty and it deserves our support today and for as long as it takes to realize its noble objectives.●

THE OLDER WORKERS BENEFIT PROTECTION ACT

● Mr. D'AMATO. Mr. President, last term in Ohio versus Betts, the Supreme Court upset 20 years of settled law by ruling that employers can discriminate against older workers in the benefits they provide, unless the older worker proves the benefit plan also discriminates in hiring, firing, and promotion.

The Betts decision is wrong and should be reversed. I am pleased to rise in support of S. 1511, the Older Workers Benefits Protection Act which will reverse the Supreme Court decision and restore equity to the workplace. Good faith and fair dealing in employment demand that a person's age not be the basis for different treatment.

Nearly 20 million strong, older workers are the backbone of the American work force, and are becoming ever more valuable. We must not allow discrimination to undermine the integrity of the workplace.

I urge my colleagues to join in supporting this measure.●

PALESTINIAN TERRORISTS INTERCEPTED

● Mr. BOND. Mr. President, last week armed Palestinian terrorists were intercepted by Israeli soldiers off the coast of Tel Aviv. There is absolutely no question regarding the intent of those terrorists—they were planning to slaughter Israeli civilians who were enjoying a day at the beach during the holiday of Shevuot.

Fortunately, the vigilance of Israel's defense forces thwarted what would otherwise have been a massacre and no civilians were harmed.

The Palestinian Liberation Front, a faction of the PLO whose leader sits on the PLO's executive committee, quickly took credit for the attack.

And what was the response of PLO leader Yasser Arafat to this outrageous attempt to kill innocent men, women, and children? Did he condemn this terrorist attack as he promised he would do last year when the United States began talks with him? Did he express outrage that a PLO group would take action to jeopardize efforts to reach a peace settlement? Did he condemn PLF leader Abul Abbas or expel him from the PLO?

No, Mr. President, he did none of these things. Instead, what we got from Arafat were excuses and inaction—exactly what we have seen after each PLO terrorist attack that has taken place in the 18 months since Arafat promised to stop terrorist attacks and condemn such attacks by others.

The action that our Government should take in response to this latest effort by Arafat to have it both ways is clear. We should immediately end our contacts with the PLO.

I have been greatly disturbed over the past 18 months as the State Department, time and again, found ways to avoid holding the PLO responsible for its failure to live up to its commitments so as to allow the talks to continue. I have to admit that disappointment came to a head when I saw the results of State's March report to Congress on PLO terrorist activities. The drafters of that report went through tremendous mental acrobatics to prove that PLO hadn't really broken their commitments of 18 months ago.

Well the time has come to stop making excuses for Mr. Arafat and the PLO, to call them what they are which is terrorists, and to end our attempt at diplomacy with them.

In addition, I believe we must pull our heads out of the sand and realize that even if we negotiate with Arafat, even if the Israelis negotiate with Arafat—he is not in a position to deliver on his promises. He has admitted that up front. He has said he cannot expel Abbas from the PLO leadership. He has said he cannot prevent groups such as the PLF from committing acts of terrorism. So what is to be gained by reaching an agreement with him? Israelis would still fear raids against their homes. Americans would still have to worry about being gunned down in an airport or blown up in flight.

In response to last week's attack, the State Department appears to be taking strong action. And though it is long overdue, I commend them for it. I urge President Bush and Secretary Baker to follow through on their tough stand and to pursue more promising ways of achieving peace in the Middle East. ●

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs in a case pending in the U.S. District Court for the Eastern

District of Tennessee, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 297) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs in *In The Matter of Provident Life and Accident Insurance Company*.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. MITCHELL. Mr. President, over the past several months, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been investigating compliance with provisions of Federal law, generally known as the Medicare Secondary Payer Program, which shift primary responsibility for the payment of certain medical expenses from Medicare to employer health plans. A number of Government agencies have identified this program as one that is particularly vulnerable to waste, fraud, and abuse.

In the course of its investigation, the subcommittee has been examining allegations that the failure of a number of insurance companies, including the Provident Life & Accident Insurance Co., to comply with their legal obligation to pay benefits as primary payers has resulted in sizeable overpayments by Medicare. As part of this inquiry, the subcommittee has subpoenaed documents from Provident and its employees, and has scheduled depositions. Provident has objected that one document which the subcommittee has subpoenaed is subject to the attorney-client privilege.

Last week, Provident petitioned the U.S. District Court for the Eastern District of Tennessee to enjoin one of its employees, the author of the document in question, from supplying a copy of it to the subcommittee in response to its subpoena to her. Petitioner also seeks to enjoin its employee from testifying before the subcommittee about matters subject to Provident's attorney-client privilege without permission by the court.

The question of the applicability to congressional investigations of common law evidentiary privileges, such as the attorney-client privilege, has been the subject of debate over the years. As a matter of actual experience, however, Senate committees have customarily honored the privilege where it has been validly asserted.

The important question of principle that is presented by Provident's legal action is whether the Senate or a court is the appropriate forum, at least prior to action by the Senate to initiate judicial enforcement of a sub-

poena, for determining whether the privilege has been properly invoked in response to a Senate subpoena. This resolution authorizes the Senate Legal Counsel to appear in this proceeding as amicus curiae on behalf of the subcommittee to assert the Senate's position that the Senate is the proper forum under the Constitution for making that determination, and that petitioner's anticipatory proceeding should be dismissed.

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

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES 297

Whereas, in *In The Matter of Provident Life and Accident Insurance Company*, No. Civ. 1-90-219, pending in the United States District Court for the Eastern District of Tennessee, the investigatory power of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of a subcommittee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs in *In The Matter of Provident Life and Accident Insurance Company*, and in any related litigation, to defend the investigatory power of the Subcommittee.

Mr. MITCHELL. I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INSTRUCTING THE SECRETARY OF THE SENATE TO RETURN H.R. 3656 TO THE HOUSE CLERK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 3656, a bill to improve the clearance and settlement of transactions in securities, and that the Secretary of the Senate return the bill to the House Clerk for corrections in its engrossment.

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

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.; MORNING BUSINESS; RESUMPTION OF CONSIDERATION OF S. 341

Mr. MITCHELL. Mr. President, I ask unanimous consent that the

Senate, when it completes its business today, stand in recess until 10 a.m. tomorrow, Friday, June 8; that following the time for the two leaders there be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for 5 minutes each; and that at 11 a.m. the Senate resume consideration of S. 341, the blind air passengers bill.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 9 p.m., recessed until Friday, June 8, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1990:

DEPARTMENT OF STATE

AURELIA ERSKINE BRAZEL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

ROY M. HUFFINGTON, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

FREDERICK VREELAND, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the UNITED STATES OF AMERICA TO THE UNION OF BURMA (MYANMAR).

THE JUDICIARY

JOEL F. DUBINA, OF ALABAMA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT VICE ROBERT S. VANCE, DECEASED.

DEPARTMENT OF LABOR

WILLIAM ERIC ANDERSEN, OF TENNESSEE, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAULA V. SMITH, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR THE TERMS INDICATED:

LARRY BROWN, JR., OF MARYLAND, FOR A TERM EXPIRING SEPTEMBER 17, 1992, VICE THERESA LENNON GARDNER, RESIGNED.

MICHAEL B. UNHJEM, OF NORTH DAKOTA, FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 1990, VICE JUSTIN DART, RESIGNED.

MICHAEL B. UNHJEM, OF NORTH DAKOTA, FOR A TERM EXPIRING SEPTEMBER 17, 1993. (REAPPOINTMENT)

HELEN WILSHIRE WALSH, OF CONNECTICUT, FOR A TERM EXPIRING SEPTEMBER 17, 1990, VICE NANETTE FABRAY MACDOUGALL, TERM EXPIRED.

HELEN WILSHIRE WALSH, OF CONNECTICUT, FOR A TERM EXPIRING SEPTEMBER 17, 1993. (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be commander

ARIEL ABRIAM
JEFFREY LYNN AIKEN
CHRIS LEONARD ALBERG
JOHNNY PATRICK ALBUS
DAVID ANDREW ALDRICH
GEORGE M. ALEXANDER

ROBERT A. ALTOBELLI
GARY WAYNE ANDERSEN
CHARLES W. ANDERSON
JAMES DAYTON
ANDERSON
JAMES R. ANDERSON

KRISTIAN W. ANDERSON
ERIC ROBERT ANDRES
STEPHEN GERARD
ANDRUSISIAN
MARK S. ANGELLOZ
EDWARD TARTLER
ANTONY
ROBERT J. APRILL
HEBER CLARKE
ASHBROOK, III
THOMAS BENNETT
ATKINS
RANDAL JOSEPH AUGUST
THEODORE GEORGE
AVERINOS
DOUGLAS AMES BADER
JOSEPH LEE BAILEY, JR.
EDWARD DAYTON BAIN
MARK ANDREW BALASKA
LEONARD DWIGHT BALES
ROBERT CHARLES
BALLARD
GERARD THOMAS
BANAHAN
JAMES KING BANGMA
ANTHONY J. BARATTA
PHILIP RICHARD BARLOW
JAMES ARDEN BARNETT, JR.
THOMAS EDWARD
BARTON
JOHN ROBERT BEEMER
GAYLA JEAN BERGEN
HOWARD F. BERNSTEIN
LINDA JEAN BESS
WILLIAM JOHN BEVIL, JR.
PETER RICHARD
BIBERACHER
RICHARD LYNN BIGELOW, JR.
LARRY LEE BLAKESLEY
KEITH ALAN BOARDMAN
JAMES R. BOMA
EDWARD BRUCE BONCEK
GARRY JAMES BONELLI
JOHN HENRY BOUWMAN
ROBERT ELWOOD BRADY, JR.
PATRICIA MCDONALD
BRATTEN
STEVEN WARREN
BROADBENT
R. J. BROTHERTON
CHRISTOPHER MAXWELL
BROWN
PETER GIBSON BROWN
RODRIC FRANK
BRUNNGRABER
LESLIE EARL BRYAN
CLAYTON JOSEPH
BRYSON
JOSEPH STANLEY BUBAN
LAWRENCE DALE
BUCKLER
TIMOTHY WAYNE
BUESCHER
GARY DOUGLAS
BUMGARDNER
DENNIS MICHAEL BUNN
CARL D. BURCH
BRIAN P. BURGHGRAVE
PATRICK JOSEPH BURKE
WILLIAM JAMES BUSHAW
GEORGE K. BUSSE
HOYT CARL BUTLER
ROBERT MICHAEL
CALLAHAN
BARRY LEE CAMPBELL
CHARLES INGALLS
CAMPBELL, II
WILLIAM BRUCE
CAMPBELL
GREGORY T. CANDY
POLLY M. CAPANSKY
NICHOLAS JOSEPH
CAPRON
ROBERT JOHN CAREW
RICHARD PAUL CAREY
BRANT MICHAEL CARTER
WILLIAM EDWARD
CASHMAN
CHRIS HAROLD CASTNER
JOHN FARLEY CATES, JR.
RALPH PHILLIP
CAVALIERI
KEVIN M. CHEATHAM
ALANSON TRIGG
CHENAU, IV
JOHN M. CHRISTMAN
MARK A. CLARK
WAYNE ERIC CLIBURN
ALEX YOUNG COBBLE
ROBERT LELAND
COCHRAN
DWIGHT W. COLBURN
JOE THOMAS COLEMAN, JR.
PHILLIP JAMES COMBEST
MICHAEL LOWELL COOK
ROBERT T. COOK
GEORGE J. COON
PHILIP PETER MELVIN
COOPER

CYNTHIA DALE CORMAN
JOHN MARTIN COVERICK
TRAVIS STRIBLING CRAIG
DAVID EMANUEL
CRISALLI
ROBERT GRAY CRISS
DAVID JOHN CRONK
KAREN THORNE DANIS
CHARLES EDWARD
DAUGHERTY
JOEL THOMAS DAVES, IV
LEE R. DAVIS
WILLIAM DAVISON
FRANCIS EUGENE
DEBONS
LOREN EDWARD DECKER, JR.
BRIAN F. DELANEY
BRIAN BENEDICT DEVANE
JOHN STEPHEN DIACSUK
FRANK TAYLOR DILLON, III
THOMAS MICHAEL
DLUGOLECKI
MARK A. DOERNHOEFER
KENNETH GEORGE
DOMBART
JOSE LUIS DOMINGUEZ
ANTHONY JOHN DORSCH
DAVID MINTER DRAKE
TIMOTHY ROBERT DRING
DOUGLAS BRIAN DUKE
WILLIAM ARNOLD
DUNAWAY
NANCY ELLEN DYER
DAVID PAUL EASTER
BRUCE PHILIP EATON
RAYMOND LEO
ECKENRODE
HENRY PAIRCHILD EGAN
CHARLES RICHARD
EISENMANN
STEPHEN L. ELLIS
THOMAS M. ELROD
YOLANDA EMERY
JAMES D. ENGELS
FORREST DAVID ERDIN
JOHN A. ERRIGO
FRANKLIN ANDRICH
ERVIN
MARK GREGORY ESTES
DOUGLAS LEE EWEN
LARRY ALAN FELLOWS
JOYCE MARIE FERRIS
THOMAS NELSON
FETHERSTON, II
JAMES FRANCIS FLEMING, JR.
JACK WILCOX FLETT
WALTER NORWOOD
FLIPPIN, III
EUGENE FORD, JR.
RICHARD J. FRANKLIN
THOMAS JOHN
FREDERICK
GARY MICHAEL FREEMAN
MICHAEL IVAN FULCHER
WILLIAM FRANCIS
FURDON, JR.
LOUIS LEON FUSCO, JR.
MILTON JAMES
FUSSELLMAN
WILLIAM VAN HORN
GAMBLE
HAROLD WAYNE GANDY
ROBERT HARLEY GANZE
JAMES EDWARD
GARRISON
JAMES ALLEN GIBSON
JAMES JOSEPH GILL
DAVID ROBERT
GILLINGHAM
MICHAEL LAWRENCE
GILROY
WILLIAM O. GLASS, JR.
WILLIAM GEORGE
GLENNEY, IV
KAREN ANNE GLICK
RICHARD MARIAN
GLINIAR
RANDALL EDWARD GOFF
RONALD JOSEPH
GOLDFLOHER
TERENCE P. GORSKI
GEORGE RALPH
GOSWICK
ALLEN WYNNE GRAHAM, JR.
CHRISTOPHER PORTE
GRAZEL
BRADLEY KEITH
GREENWAY
CECELIA ANN GRILL
CARL HARRISON
GRUENLER
RONALD JOSEPH
GUERRERI
BERNARD C. HAAS, JR.
JOSEPH PATRICK
HAGGERTY, III
EVELYN HALL
GARY N. HALL
LARRY HALL

ERNEST SPRIGGS
HALTON
KEVIN DOUGLAS
HAMMAR
KURT FREDERICK
HANSEN
BRADLEY STEPHEN
HARDI
DAVID MURRELL
HARDING
DAVID THOMAS HARRELL
PETER WEBSTER HARRIS
RICHARD GRAYSON
HARRIS
JEFFERSON LAWRENCE
HART
ROBERT GEORGE HAST
GARY WILLIS HATHAWAY
CURTIS JAMES HAWKS
MICHAEL LEON HEINRICH
ROBERT MARK HELM
JAMES EDWARD
HENCKEN
THOMAS JOSEPH
HENNESSEY
GARY THEODORE HENTZ
HECTOR B. HERRERA
KENNETH S. HIBBELER
KATHRYN DIETZ
HICHBORN
GEORGE ROBERT HICKS, JR.
KENT RICHARD
HIGGINBOTHAM
CARL C. HILL
STUART CHRISTIAN
HINRICH
MICHAEL LEE HODGES
CURTIS ALLAN HOFFMAN
RICHARD REED
HOISINGTON
STEVEN HOLIBONICH
FREDERICK R.
HOLLINGER
KENNETH ROGERS
HOLMES
JOHN EWELL HOPE
HEYWARD CARITHERS
HOSCH, III
DEWARD JOSEPH HOUCK, JR.
WILLIAM SMITH HOWE, III
JOHN MARK HUBBS
RICHARD WALTER
HYMES, JR.
JOHN CARL IHLENBURG
FRANK ANTHONY
INZIRILLO
CHRISTOPHER LLOYD
IVES
WAYNE MICHAEL
JAKUBOWSKI
ROBERT EDWARD
JENKINS
LAWRENCE W. JERNIGAN, JR.
STEVE WAYNE JOCHMANS
EDWARD KEITH
JOHNSTON
CHARLES A. JONES
CHARLES WALLIS JONES
JON MICHAEL JONES
MICHAEL ALBERT JONES
ROBERT GROVE JONES
RICHARD EUGENE KANE
JIM KAPSALES
ALAN PHILIP KARBOUSKY
DAVID A. KARNESKY
GEORGE ROBERT KAST
ROBERT LOUIS KATES
COLEMAN ANTHONY
KAVANAGH
LLOYD DENSLOW
KEIGWIN, JR.
JOHN DANIEL KELLEY
ALAN MICHAEL KELLOGG
GERALD THOMAS KELLY
WILLIAM JESSE KEMP
JOHN WILLIS KENNEDY, JR.
ROBERT LOUIS KENNY
PETER FREDERICK
KLEIN, JR.
WILLIAM HERBERT
KNELLER
RANDALL WILLIAM
KOCHANIK
KENT HARLAN
KOCHSMEIER
DANIEL JOHN KOENIG
JOHN THEODORE
KOHLER
DENNIS RAY KOZACEK
CRAIG EDWARD KRAUSS
WAYNE KEITH KRUGER
STEPHEN JOSEPH KUCHAR
MICHAEL GERALD KUNZ
DEAN BRADLEY LAHREN
SCOTT READ LAIDLAW
WADE HAMPTON LAIL, III
HAROLD M. LAMB, JR.
ALEXANDER DOANE
LAMBERT

KARL WALTER LAMPE
ROBERT HARRY LANG, JR.
JOHN J. LAUDER
ROBERT DADMAN LEARY
MICHAEL LEBLANC
MARK C. LEHR
TIMOTHY JAMES
LENAHAN
BRUCE PHILLIP LEONARD
JOHN ROBERT LEWIS
MICHAEL RONALD LEWIS
JEAN MONICA LIBUTTI
JOHN WILLIAM
LICHTSINN
JOSEPH A. LIGUORI
JAMES JOSEPH LILLIS, III
RONALD EDWARD LIS
THOMAS M. LITTLE
JAMES LANE LITTELL
WILLIAM POYNTER
LOEFFLER
CURTIS ALAN LOGE
JULIUS LAZAR
LONGSHORE
JAMES M. LOVE
JAMES LESLIE LUDWIG
DAVID PAUL LUHTA
CHRISTOPHER HILL
MADIGAN
ROBERT A. MANSFIELD
BARRY WAYNE MARTIN
ROBERT EMILE MASOERO
RICHARD DENNIS MASSEY
TED E. MASTENBROOK
DAVID LANOYETTE MAYO
ROBERT WAYNE
MCBRIDE
WALTER SCOTT MCCABE
THOMAS FRANCIS
MCCAFFERY
JOHN DONALD MCCAMY
JOSEPH E. MCCARTHY, JR.
JAMES LINCOLN
MCCORRY
ELIJAH L. MCDAVID, JR.
RICHARD ALLEN MCFEE
MARY BERNADETTE
BALDY MCGEE
JOSEPH CHARLES
MCGOWAN, III
MICHAEL JOSEPH
MCGRAW
DAVID T. MCHENRY
PATRICK ROBERT MCKIM
MARK BRYAN MCKINLEY
PETER DAVID
MCLOUGHLIN
JONATHAN PATRICK
MCMACK
JEFFREY LEE MCNAIR
PAUL DAVID MELTON
LUCIEN D. MEMMINGER
MICHAEL LEE MERCER
EDWIN W. MERGEE
LEE JOSEPH METCALF
STEPHEN METCALF
CHARLES ALAN MIHALKO
HOWARD GEORGE
MILLER
MARK THOMSEN MILLER
ROBERT LOUIS MILLER, JR.
STEVEN LESTER MILLER
DANIEL L. MILLMAN
FRANK ALLEN MINICH
RANDOLPH HIDEO MIOTA
JAMES DENNIS MITCHELL
MICHAEL PORTER
MITCHELL
ROBERT STAN MIZE
RICKY WILLIAM MOCCIA
RICHARD ANTHONY
MODICA
RANDALL JAMES MOLLET
JAMES D. MOMAN, JR.
CLIFTON W. MOORE, JR.
RICHARD EUGENE MOORE
ERIC ERNST MORTON
KERRIE SMITH MOSER
JOSEPH MOTISI
LAWRENCE MICHAEL
MUCZYNSKI
JAMES STEPHEN MURPHY
RAYMOND JOSEPH
MURRAY, JR.
SCOTT MICHAEL MURRAY
SAMUEL M. NAGLE
CHARLES EDWARD
NANGLE
RICHARD HENRY NASH, III
JAMES ANTHONY NATTER
TIMOTHY JOSEPH
NAVILLE
RANDY E. NEES
CHARLES W. NEIGHBORS
JOHN DONOVAN NELLIS, JR.
RICHARD HALE NELSON
MARK STEVEN NESS
JOHN WILLIAM
NEUMEISTER
MICHAEL FRANCIS

NEVINS
CHARLES NEWMAN
KIP WILSON NICELY
FREDERICK WILLIAM
NICKEL
JOHN NICHOLAS NOLTE
CHARLES ANTHONY
NUNEZ
STEVEN MICHAEL OBRIEN
GARY STEPHEN
OCONNOR
KEVIN GIRARD
ODONNELL
FRANCIS JOHN OKEEFE
JOHN CARL OLDFIELD
WILLIAM F. OLIVER
PETER NMN OLIVIERI
DAVID LEE OLNEY
SEAN P. ONEIL
CHARLES ALBERT
ORBELL, III
JOHN C. ORR
FREDRICK PITNEY
ORTLOFF
ISAIAH HUDSON OWENS,
JR.
CHARLES GUY PADDOCK
MICHAEL FRANKLIN
PALES
JAMES ARTHUR TOLLEY
PALMER
CARLTON DENNIS
PARKER
DONALD STAFFORD
PARKER
GEORGE RICHARD
PARKS, JR.
WILLIAM HOLLAND
PAYNE
STEVEN CRAIG PEARSON
MICHAEL ALDEN PECK
EARL JOSEPH PEDERSEN
DAVID E. PENDLETON
WILLIAM CURT
PERSINGER
JAMES A. PETERSEN
ROBERT RICHARD
PETERSON
HENRY PHILLIPS
PERRY FRANCIS
PICORIELLO
ROBERT CLARENCE
PIERSON, III
DENNIS NEIL PILLINGER
THOMAS EDWARD PINNEY
GEORGE F. POELKER, II
MICHAEL GENE POLAK
BRADLEY PORLIER
CYRIL HENRY
PRIKAZSKY
ORVILLE NMN PRINS
GEORGE DANIEL
PUDDINGTON
JERALD RAY QUANDAH
MICHAEL BEATY
RABIDEAU
CHARLES LEROY RADER
MICHAEL PATRICK
RAGOLE
ROYCE BERNIE RAINES,
JR.
KEVIN THEODORE
RANDICH
RUSSELL TIMOTHY
RATLIFF
DOUGLAS NEIL REECE
CHARLES ELTON RENNER
FRANK FLETCHER
RENNIE, IV
WILLIAM C. REUTER, JR.
MARY CATHERINE
RHEDIN
ERNEST J. RICE
JAMES DEAN
RICHARDSON
PHILIP WILLIAM
RICHARDSON
JAMES WAKEMAN RIDER
FRANCIS RIDGELY H.
RIGGS
JAMES MORRIS RIPLEY,
JR.
CHARLES ROGER ROBIE
ROBERT EMMET
ROCHFORD, JR.
SUSAN LINCIN ROCKWELL
JOHN FREDERICK
ROGGE, JR.
MICHAEL CHRISTOPHER
ROHMAN
STEVEN WAYNE
ROHRSSON
WILLIAM ASHLEY ROIG
JAMES FRANK RUBINO
FORREST EUGENE RUCK
WILLIAM WALTER RUST,
III
STEPHEN DALE RUTTER
NICHOLAS SABALOS, JR.
WILLIAM KIRKLIN SAINT,
JR.
PHILIP DEWEY SALADEN

MARK JOSEPH SALMEN
RICHARD JOHN SALMON
JOHN DONALDSON
SAMPLE
JOHN BENJAMIN SANTINO
FRANCIS J. SANTORO
PAUL STEPHEN SANZO
GEORGE CLYDE
SATTERFIELD
ROBERT DANIEL
SCARBOROUGH
CRAIG ALLAN SCHEMEL
DOUGLAS ANTHONY
SCHENK
WILLIAM JOSEPH
SCHMITT, JR.
KENT WALTER SCHULZ
JOHN AUGUST
SCHUMACHER
JOHN DAVID
SCHUMACHER
JIMMIE ALLEN SCHURTZ
CRAIG CHARLES SCOTT
WALTER COLE SCOTT
MARK E. SEAGO
RONALD DEAN SEIZERT
HORACE LABON SHEALY,
JR.
GREGORY J. SHEBEST
MICHAEL DAVID SHEERER
JAMES BERNARD
SHELLEM
ROBERT SCOTT
SHERLOCK
CHARLES PATRICK
SHUSTER
KEITH ALEXANDER
SIKORA
RICHARD LEROY SIMONS
GARY ALAN SIMONSEN
JOHN ORVILLE
SINGLETON, JR.
STEVEN RICHARD SISEL
MICHAEL EARL SKOW
WAYNE BREWER SLATER
MARTIN JAY SLOANE
FREDERICK M. SMITH
PETER GREIG SMITH
CHRISTOPHER R.
SMYRNITIS
MICHAEL LODINGTON
SOARES
CARLTON E. SODFRHOLM,
JR.
BRIAN H. SOLOMON
DANIEL GREGORY
SOMERS
RICHARD JAY
SONNENSCHNEIN
CHARLES RANDALL
SORENSEN
KENNETH FRANCIS
SFAULDING
THOMAS EDWARD
SPEERS, JR.
SAMUEL DAVID STAINOT
MARVIN LEIGH STEIN
DONJA KAY STEPHENSON
JAMES BENNETT
STERLING, III
ANDREW TOMPKINS
STICH
KEVIN FRANCIS STONE
BRIAN J. STOREY
EDWARD JOSEPH
STPIERRE
JOHN GORDON STRAND
THYRA LITA STRAPAC
RICHARD EDWARD
STRUTNER
ALFRED EDWARD STUART
BRUCE EDWARD
STUTSMAN
ANDREW MARK SULLIVAN
DON WALTER SWALES
GAIL ANN SWALES
DALE EUGENE SWANSON
DAVID EUGENE SWEDE
CHARLES CLEMENTS
SWENSEN, JR.
ERNEST EDWARD TABB
CHARLES LEROY TAGUE
JAMES WILLIAM TAHLER
RUSSELL EDWARD
TANNER
ROBERT GEORGE
TASTSIDES
MICHAEL ANTHONY
TATONE
EDWARD JAMES TAYLOR
JOHN MARTIN TAYLOR
WILLIAM NIXSON
TAYLOR, JR.
THOMAS GERARD TESCH
EUGENE P. THEUS
CRAIG H. THOMAS
JEFFREY HILTON
THOMAS
ROBERT BERNARD
THOMAS
DAVID CRAIG THOMPSON
DANIEL BRUCE

THORNHILL
BURT DANIEL THORP
MARK S. THORPE
JOHN JOSEPH TOMASELLI
LAWRENCE GILWORTH J.
TRAYNOR
ROBERT GREGORY
TREITZ
DAVID LELAND
TROUTMAN
JODI ELIZABETH TRYON
JOHN STANTIAL TURNER
ROY EDWARD TUTTLE
RANDY L. UNGER
ARTHUR JEROME
VANDERSCHAAP
CHARLES J. VARGO
JOSEPH ELMER VARGO,
III
JEFFERY GENE VETTER
FERDINAND GUY
VISINTAINER
ROBERT DEAN
VONBERNUTH
JONATHAN ROWELL
WADE
RICHARD STEPHEN
WAGNER
KIM CHARLES WALDEN
MICHAEL DALE WALDROP
LEONARD PAUL WALES
JUDITH MARY WALKER
DAVID LEE WALSH
THOMAS LLOYD WALTERS
LINDA ELLEN WARGO
DONALD CAMERON
WARREN, JR.
PHILLIP W. WATSON
WILBERT JOHN WATSON
JOHN SCOTT WEBB

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

KEITH FIELDING
AMACKER
PAUL ARTHUR ANDERSON
RICHARD A. ANDERSON
KEITH DEAN BAKER
THOMAS GEORGE BAUER
SCOTT ALLAN BEATON
ROBERT M. BLEDSOE
JOHN THOMAS BONDE
JOHN LEONARD BOWES
ROBERT F. COYLE
III GEORGE HENDON
CURRIE
GREGORIO AURELIO
DACOSTA
MARK W. DANIELSON
RALPH JEFFREY DEAN
MICHAEL STEVEN
DONAHOE
DENNIS BROOKS
DUMBAULD
MICHAEL VERNON
EDWARDS
ROBERT WARREN FEIST
ROBERT J. FILLER
ALFRED DANIEL FORD
BRUCE E. FORSHAY
JOE LYNN FRAZIER
MARY FRANCES GLEASON
CRAIG CHARLES GROOM
WALTER ALFRED
GUSTAFSON
LARRY ALBERT HAMEL
DAVID ALAN HANSELL
SCOTT J. HARPER
DAVID JAY HARRIS
JOHN GEORGE
HOLZWORTH
JOHN EDDIE HUIE, JR.
DAVID JOHN JACOBSON
MICHAEL LESTER
JELINEK
VIRGINIA DALE JOOSTEN
MARK GREGORY KING
PATRICK JOHN KING
WILLIAM CHARLES
KORTHALS
LESLIE JUNE PETERSON
LANG
GUY BERNARD LEARY, III
JOSEPH FRANCIS
LUDWIKOWSKI
BILLY RALPH MALONE

ENGINEERING DUTY OFFICERS

To be commander

WILLIAM KEITH
ANAWALT
LORAIN MARY BEYER
WILLIAM CHARLES
BUSKIRK
GEORGE LEONARD CAVA
DOUGLAS HAMLIN COE
BYRON ELLINGTON
COLEMAN, JR.
GORDON ERNST WILLIAM
CONRAD

KENT STEVEN WEISS
ROBERT FRANCIS WEISS,
JR.
JEFFREY ALLAN WEST
MARK LEE WEST
GREGORY H.
WESTERWICK
RONALD WAYNE
WETMORE
EDWARD M. WHALON
STEPHEN W. WHELAN, JR.
STEPHEN FRANCIS WHITE
MILTON BAILEY
WHITFIELD
JAMES CORNELIUS
WHITSETT
CLAYTON PEARCE WICK
DONALD MARTIN
WILHELM
PHILLIP JAMES WILHELM
ALEXANDER BARRY
WILLIAMS
DANIEL ROBERT
WILLIAMS
FRED W. WILSON
CHARLES HARRIS
WINSHIP, III
HENRY LEE WISE
JAMES T.
WOJCIECHOWSKI
REX ROBERT WOLFE
ROBERT ROSWELL WOLFE
GEORGE R. WOODWARD
LUCY BURWELL YOUNG
MICHAEL P. ZALESKI
DARRYL SIMEON
ZELENIAC
FRANK MICHAEL
ZIMMERMAN
JOHN JANIS ZUDANS

WILLIAM STANLEY
MARLOWE, JR.
CRAIG OWEN MCDONALD
WILLIAM KILLIAN
MCINTIRE
MORGAN ASHLEY
MERRITT
VAN EDWARD MOIR
BARRY LEON MORGAN
JOHN ALEXANDER
MURPHY
RICHARD FREDER
NATHANSON
HUGH AUGUSTINE OHARE
JOSEPH ARTHUR OTTUM
EDWIN D. OVERSTREET
DAN RAY PARKER
HARLEY HOWARD
PETERSON
JAMES RAY PRIDGEN
DONALD BREWSTER
RAMAGE
JONATHAN BARKLEY RED
DAVID BRUCE REDMAN
PAULETTE REICHERT
REYNALDO NMN
RESENDEZ
JOHN DENNIS RIDLEY
JEFFREY LYNN SCHRAM
MICHAEL DONNELLY
SHEPARD
GREGG JOHN SINGER
RICHARD LOWELL SMITH
RICHARD E.
SOUTHWORTH
ALAN MARTIN
STEVENSON
TIMOTHY FRANCIS
STOESSEL
FREDERICK ANDREW
SYCURO
JOHN WESLEY VAUGHT
JOHN WALTER WATT
JOHN D. WEBB
EDWARD BOYD WEISS
JOHN MADISON WERNER
STEVEN LYNN WETZEL
WILLIAM COLLINS
WILKERSON
THOMAS PURSER WOOD,
JR.
PATTI A. YOUNG
SRETEN ZIVOVIC

JOHN ANDREW JELLI
MACGINNIS
MARTIN JOSEPH MAHON
GLEN SHERMAN NASH
MARINO JOHN NICCOLAI
JOSEPH P. OHARA, III
MICHAEL ALAN ONEAL
LESLIE EARL OTTINGER
JOSEPH LOUIS PAQUETTE

AERONAUTICAL ENGINEERING DUTY OFFICERS

(AERONAUTICAL ENGINEERING)

To be commander

JACK RUSSELL BATES
DAVID LEE BROWER
JOHN HENRY COOPER
ALLEN CARSTEN HANSEN
DAVID HUGH LEHMAN
ARNO ROBERT
LIVINGSTON

ALFRED GEORGE
PIRANIAN
HARRY LESSIE
TREDENNICK

AERONAUTICAL ENGINEERING DUTY OFFICERS

(AVIATION MAINTENANCE)

To be commander

TOMMY WAYNE ADAMS
ROBERT LINCOLN GOULD
SAMUEL DEWAIN
HAMILTON
KEITH VINCENT KELLY,
JR.

RONALD JAMES KRIEL
DONALD JOSEPH SHUTT
JONATHAN JOEL
STAEHLING

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

ROBERT CHARLES
BALDWIN
JOHN JEFFERSON
BAUCOM
STEVEN DALE BELL
ALFREDO MARI BITO
STEPHEN HENRY
BROVARONE
RICHARD CARLTON
BROWN
DAVID JOHN COLLINS
TIMOTHY JOHN DAYTON
CHARLES THOMAS
ECKER, III
MARK RICHARD ESHER
DAVID B. FISHER
GLENN PAUL FORGUES
JAMES DAVID GATES

DALE RUSSELL
HAUSERMANN, JR.
TIMOTHY FRANCIS HAYES
FRED MALCOLM HICKS
ROBERT FRANCIS KELLY
LLOYD GEORGE LECAIN,
JR.
PETER WARREN
MITCHELL
PATRICK A. MOLONEY
RICHARD JAMES
ROCKWOOD
KENNETH WARD SHEETS,
JR.
ISMAIL SHEKEM
PRESTON PRESENIUS
SHELTON

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

THOMAS MICHAEL BLAIR
MARK SANDERS
DEARBORN
MICHAEL DENNIS
FRANCIS
STANLEY JOHN
LEVANDUSKI
JAMES D. MARTIN, III
WILLIAM RUFUS
MATHWEES, III
MARK LESLIE METCALF

ROBERT POHLMAN
THOMAS FRANKLIN
PUMPHREY
DUANE VERNON RIGGE
KENNETH WYLIE
ROBINSON
BRENT ELLIOT SIMMONS
CHARLES HENRY TILTON
WILLIAM HENRY
VANDYKE

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

MICHAEL ANTHONY
ALFRED
THOMAS WILCOE
ANDERSON
MICHAEL JOSEPH
BARRETT
ROBERT WAYNE BARTON
WILLIAM GRANVILLE
BECK
RICKY LANE BLACKWOOD
GREY EMERY BURKHART
CHARLES MORGAN
BYRNE
DOUGLAS THORN
CARDINAL
COLIN MONTGOMERY
CLARK
LANNY DALE CLARK
MICHAEL B. CLAUDY
ROBERT NELSON
CUBBERLEY
DENNIS DOUGLAS
DEWULF
KEN RICHARD
DOUGHERTY
ROBERT KEVIN DRIVER
THOMAS JOSEPH
DZIEDZIC
SHERYLL LYNN ELSTON
MICHAEL VINCENT
FEWELL
RODGER LEE FIELDS
ALAN JOHN FINK
MICHAEL PETER FINNEY
TERRENCE MICHAEL
GAUTREAUX
JIM MING GREENLEE
EDWARD SQUIER
HINCKLEY

STEVEN LAURENCE HULL
RAYMOND GEORGE
KALLMAN
JACKSON DELBERT
KELLEY
THOMAS F. KOEHL
WILLIAM JAMES LAMONT,
JR.
JAMES MURRAY LEVISON
ADRIAN D. LORENTSON
MICHAEL A. MALDOVAN
MICHAEL JOSEPH
MANFREDI
ROBERT ALAN MCDONALD
WILLIAM HALE MINNECI
THOMAS PETER
MITCHELL
MARK ALBERT MORISON
ROBIN LEE PARKS
LEONARD NORMAND
RIVET
GEORGE JAMES ROARK,
III
FRANK S. ROOT
PATRICK JAMES SAYNE
EDWARD ROBERT
SCHENDT
JOHN RODGER
SCHOONOVER
JAMES ANGELO SIDONI
STEVEN WARE SMITH
ANNA MAE STEINBERGER
THOMAS ORMAN SWIFT
LEANNA FORD TERRELL
THOMAS TURNBULL
TRAMMELL EDWARD
VAUGHN
GREGG BRICKETT WHITE

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

ROBERT LEE BISHOP, JR	WILLIAM ALEXANDER
ROBERT J. BRUNNER	GAY
JONATHAN WALTER	ROBERT MICHAEL
BUCHANAN	GERMINARO
BARBARA JEAN BURNS	LON JEFFERY HUFFMAN
PHILLIP STANLEY COGAN	ARTHUR SCOTT HULTS, III
THOMAS HOWARD	KENNETH ALAN JARVIS
DANIELS	DAVID ANDREW JOHNSON
DANIEL STUART DAYTON	CHRISTINE ANNE
GEORGE AUSTIN	KANTROWITZ
DRUMBORE	EDWARD FRANCIS
CHERYL DIANE DUFT	KLECKA, III
STEPHEN RANDALL FISCH	GARY BYRON MOREY

FREDERICK ALLAN OLSON	ROGER CLEVELAND STILL
MICHAEL LEE PANDZIK	WILLIAM THOMAS
RICHARD ARNOLD	TUCKER
PHILLIPS	WALTER MARION URBAN, JR
PETER VAN RENSSELAER	JOHN EDGAR WALLER
RHEIN	JOSEPH BEEBE
WALTER WILLIAM	WILKINSON, JR
SCHAPFER	JOHN DODGE WYATT, III
DALE EDWARD SMITH	
MICHAEL BUCHAN	
STAINBROOK	

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

RONALD ERNEST	MARK EVANS SCHULTZ
JOHNSON	HARRY DEWAYNE SELSOR
JOHN WILBUR RABY	

WITHDRAWAL

Executive message received June 7, 1990, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF LABOR

DEBRA RUSSELL BOWLAND, OF LOUISIANA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR. VICE PAULA V. SMITH, RESIGNED, WHICH WAS SENT TO THE SENATE ON JUNE 8, 1989.