# SENATE—*Monday, September 17, 1990*

*(Legislative day of Monday, September 10, 1990)*

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

## PRAYER

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

Let us pray:

*Search me, O God, and know my heart: try me, and know my thoughts: And see if there be any wicked way in me, and lead me in the way everlasting.*—Psalm 139:23, 24.

Almighty God, infinite in wisdom and power, our Nation faces intractable domestic and international problems which, if not resolved, threaten ruin. Thy Word declares that nothing is too hard for Thee, nothing is impossible. Help the leadership of our Nation to look to Thee, to yield to Thee, to allow Thee to work through them for resolution. If they will not, who will? And if now is not the time, when? Remove from our hearts, Mighty God, any resistance to Thy wisdom, Thy will, Thy work. Grant that no individual will stand in the way of Your perfect will being done at this consummately critical time in the life of our Nation.

We pray in the name of Jesus in whom resides all power, in Heaven and on Earth. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 17, 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 C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

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

## THE JOURNAL

Mr. CRANSTON. 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. CRANSTON. Mr. President, following the time for the two leaders this afternoon there will be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 5 minutes each.

At 2 p.m. today the Senate will begin consideration of S. 1511, the Older Workers Benefit Protection Act.

Later today, there will be an announcement of when the vote will be scheduled tomorrow on the Coats amendment and final disposition of the D.C. appropriations bill.

Mr. President, the majority leader asks that I announce for the information of Senators that there will be no rollcall votes today. The vote originally scheduled for 7 p.m. on the Coats amendment will not be held today.

## RESERVATION OF LEADER TIME

Mr. CRANSTON. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

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 2 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

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

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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.

## OIL INDUSTRY IS GOUGING AMERICAN CONSUMERS

Mr. LIEBERMAN. Mr. President, last Thursday, the Secretary of Energy, James Watkins, told a Senate hearing that the oil industry's pricing of gasoline is not unreasonable, and "is working very well, and is rather typical of the supply and demand situation."

That is a statement that I presume sent chills and feelings of anger up the backs of most Americans, as it did for me. Twenty-four hours later, Secretary Watkins' boss, the President of the United States, said:

> The speculative atmosphere of the oil market belies the reality, which is that there are sufficient petroleum products, so that the market should not be going for a higher price.

Needless to say, I agree with the President. This is a significant difference of opinion between the President and the Secretary of Energy, and I hope that it signals a growing awareness in this administration of the damage that is being caused by price gouging on the part of the oil industry.

That is a reality that grabbed the American people weeks ago, because we know in our guts what the experts are now just beginning to express: The oil industry is making a killing off the Persian Gulf crisis, and that killing is at the expense of the American consumer, but not just that; it is at the expense of the American economy, which is sinking rapidly into recession as a result of the outrageous increases in energy prices.

In fact, as the Washington Post reports this morning, the increase in oil prices has had the effect of imposing an $85 billion annual tax on Americans. Our colleagues are out there at Andrews Air Force Base now pulling their hair, arguing, pushing and pulling to try to come up with a possibility of $25 billion in tax increases to help us reduce the budget deficit.

And here in a unilateral and unjustified action, the oil industries raised taxes effectively by $85 billion on all Americans.

The oil industry claims it had no choice but to raise prices to reflect

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

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changes in the market price of oil. But the fact is, the price of gasoline at the pump is not tracking the spot market price at all. Gas prices have gone up, and have stayed up, despite wide fluctuations in spot market prices.

I have looked at charts recently which showed the rises and falls since the invasion of Kuwait in the world spot market and the world crude oil market and the spot market for unleaded gasoline, and they go up and down. But if you look at the chart for retail price of gasoline, it goes up and it stays up. It does not reflect the rises and falls. When it comes to gas prices the laws of economics and gravity apparently do not relate. When it comes to gas and oil prices in this country what goes up apparently always stays up.

In a time of crisis like the present, the oil industry does not set prices according to the traditional laws of supply and demand, it sets prices in my opinion according to what it thinks it can get away with.

In one sense, who can blame the oil industry? After all, they are in business to make money, and since there is no law on the books against price gouging, some might say, why shouldn't they rip us off?

While the urge to profiteer might be understandable, it is not acceptable. The public will not stand for it, and those of us who represent the public should do something about it. Today, I suggest that the President take several steps to combat oil price gouging, over the short and long terms. Last week, I introduced the National Emergency Anti-Profiteering Act. I am proud to have been joined by 20 of my colleagues in this body in introducing that legislation. It would put in place the mechanism we need to put some restraint on oil industry price gouging. Simply put, if there is no law against price gouging, price gouging will inevitably result every time there is a crisis in the oil markets, from a refinery fire to an oilspill to troubles in the Middle East.

I applaud the President for recognizing that profiteering and speculation is going on and is hurting the American economy. Now, I urge him to get that message to his Secretary of Energy and to embrace our antiprice gouging legislation so he can do something about the practice that is wreaking so much havoc across our land.

Second, the President should begin to tap the strategic petroleum reserve in order to put a damper on the speculation that he recognizes exists in the oil markets. Without an anti-price gouging law, and without tapping the strategic petroleum reserve, one thing is clear: if the President finds it necessary to use force in the Middle East, oil prices will shoot up faster than a cruise missile. He should use the strategic petroleum reserve as a weapon against uncertainty and panic in the oil markets and oil company profiteering on the Persian Gulf crisis, and strip from them any excuse they would give about shortages of supplies forcing them to raise prices.

Third, the President should call on the oil industry to reduce their extraordinary exports of gasoline to foreign nations. The Wall Street Journal reports this morning that U.S. gasoline exports are rising, despite the fact that this could lead to shortages here at home. Why in the world should we be sending precious gasoline abroad when we need it right here? I know there has been a lot of talk about an oil import fee; perhaps it's time to talk about a gasoline export fee. In their search for ever-higher profits, the big oil companies have decided to ship our gas to Europe. According to the Wall Street Journal between 4.5 and 6.75 million barrels of exports have occurred within the past 45 days alone. That equals more than 30 percent of all our gasoline exports last year.

And finally, Mr. President, I would like to call my colleagues' attention to an article in Sunday's New York Times, in which it is reported that the big oil companies are looking for ways to bury their profits in order to avoid a public outcry when their third quarter earnings are reported in October. For example, ARCO has apparently suddenly decided to settle a dispute with the State of Alaska, and last week agreed to pay $287 million to the State government, apparently finding it a convenient and timely way to dispose of profits it has enjoyed during this recent wave of price gouging. And the Oryx Energy Co. actually took out loans of nearly $1 billion—loans that will eat into its reported profit margins—to buy 17 percent of its own stock.

Well, try as they might, I do not think we should let the big oil companies get away with this kind of shell game. Wherever they hide their profits, we should expose them, so that the full magnitude of their profiteering can be evident to all. The fact that they are busily squirreling away millions of dollars just goes to prove what we've been saying all along, which is they are charging us so much more for every gallon of gasoline than they had to pay for it when they bought the crude a month, 2 months, 3 months ago. The result of that is outrageous profits, and now they are embarrassed by their riches and are trying to hide them in our eyes. But it will not and cannot work.

Mr. President, for the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD the two articles that I have mentioned, one, "Gasoline Exports Rise Despite Concern Over Supplies," by Allanna Sullivan, in the Wall Street Journal today, and the second titled "Fearing Outcry, Big Oil Companies Will Trim Profits," by Thomas Hayes, of the New York Times, yesterday, September 16, 1990.

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

[From the Wall Street Journal, Sept. 17, 1990]

GASOLINE EXPORTS RISE DESPITE CONCERN OVER SUPPLIES

(By Allanna Sullivan)

Even as experts fret over the adequacy of future U.S. petroleum supplies, the domestic oil industry has quietly stepped up exports of gasoline.

If the outflow continues, it could mean continued high pump prices for U.S. motorists and tight supplies at the wholesale level in the months ahead. That, in turn, could create public-society headaches for the government, which is asking motorists to conserve gasoline, and for the oil industry, already accused of price gouging in the current crisis.

Since the start of the Iraq-Kuwait oil embargo in early August, shipments of gasoline out of the country—mostly to Europe—have doubled or tripled from their skimpy rates of recent years, according to numerous people familiar with or involved in oil trading.

There is nothing illegal or improper about such sales—oil is one of the most widely traded world commodities. But they do represent a "very, very significant abnormally from trends of recent years," says Calvin Kent, head of the Energy Department's Energy Information Administration.

Gasoline is routinely imported into some major U.S. markets because domestic refineries can't always satisfy demand. And the small amounts of fuel exported usually to nearby countries for logistical reasons, although some regularly goes to Japan.

But now profit opportunities overseas have zoomed, with European buyers offering $4 to $8—and at one point in excess of $10—more per barrel for gasoline than the U.S. market. A $4-per-barrel differential means $1 million of additional profit on a typical tanker-load. As a result, one oil company official says his company feels "considerable pressure" to export. Like many oil industry people, he wouldn't discuss exports unless given anonymity.

No one knows yet exactly how much more U.S. gasoline is going overseas in the wake of the Middle East crisis. Government data on tanker exports lag behind by several months because of an antiquated, century-old tracking system. But industry people who attempt to measure such activities on their own put the figure at 10 to 20 cargoes since early August. "It's not an armada, but it has become a trend," says Peter Gignoux, who heads the international trading desk for Shearson Lehman Hutton in London.

Philip Verleger, senior fellow at the Institute for International Economics and a Treasury Department official under President Carter, told a gathering of 35 congressman Thursday that exports "could be as much as 100,000 to 150,000 barrels a day for August" and early September.

Such estimates suggest between 4.5 million and 6.75 million barrels of exports in the past 45 days. When compared with government statistics, that would equal more than 30% of all the gasoline exported for the full year of 1989. Gasoline exports last year, according to the Energy Department's Mr. Kent, averaged 39,000 barrels daily,

with no more than 60,000 barrels a day exported in any one month.

The increase in exports, coupled with a modest decline in imports in recent weeks, could mean lean gasoline supplies in the U.S. later this year unless demand falls significantly, some industry and government analysts think. While demand is off a bit now because of the softer economy, and inventories have risen slightly in recent days, supplies still aren't bountiful. As a result, the seasonal slump in retail pump prices that normally follows the end of the summer driving season may not occur this year, analysts say.

In fact, motorists may even have to pay still more. "We're struggling just to maintain our gasoline inventories now," says Ted Eck, chief economist for Amoco Corp. Adds Sarah Emerson, analyst for Energy Security Analysis Inc.: "As long as U.S. gasoline goes to Europe, supplies of that fuel will remain tight."

Mr. Kent of the Energy Department says he is haunted by a sense of deja vu. "The situation bears watching," he says. "Last year, good bits of propane were diverted to Europe because prices were higher there. And when the weather turned cold here, the U.S. was short that fuel."

So far this year, gasoline demand in Europe has been running 3.5 percent ahead of last year because of robust economies and increased motor travel caused by the opening of Eastern Europe. At the same time, European refiners are being squeezed by the loss of large amounts of partially refined Kuwaiti oil that was easily turned into gasoline. In part, they are substituting some Saudi crudes that yield less gasoline per barrel.

So wholesale prices are much higher than in the U.S. On some recent days, gasoline there fetched 10 cents to 20 cents a gallon more than in the U.S.; on one day, the gap was 32 cents.

COMPANIES MAKING TRANSACTIONS

The full list of refiners taking advantage of such spreads can't be determined. However, people involved with trading identify at least five involved in recent transactions: Phibro Energy, a unit of Salomon Inc.; BP North America Inc., a unit of the United Kingdom's British Petroleum Co.; Texaco Inc.; Citgo Petroleum Corp., wholly owned by Venezuela, and Kansas-based Koch Industries Inc.

In response to questions, Phibro says only that it does from "time to time export an odd cargo" of gasoline. It is understood, however, that Phibro currently has a cargo going to South America; it hasn't sent anything to Europe since hostilities in the Persian Gulf began. BP confirms that it has put together at least one cargo for Europe and that its European arm is taking into its own system any exports that it purchases. BP is also taking in U.S. gasoline in New Zealand.

Citgo says it has sent one cargo to Europe so far—230,000 barrels of super premium unleaded. A Koch official says that company sold one cargo to BP North America, but says he doesn't know how BP used it. He also says Koch has made sales to U.S. companies with refineries overseas, but doesn't know what happened to the fuel after that. Texaco confirms it sent one cargo of gasoline to supply customers of its Pembroke refinery in Wales, which is down for maintenance. It says the shipment doesn't reflect a continuing program.

While there is nothing wrong with such transactions, the timing couln't be worse for the oil industry. The Justice Department is already investigating the sharp rise in gasoline prices since the invasion of Kuwait. Now other federal agencies are chasing information on exports, including the Energy Department and, industry advisers say, the Central Intelligence Agency.

"EMBARRASSMENT" OR "FREE MARKET"

Most high-ranking oil officials are reluctant to discuss the topic. "No doubt, it's an embarrassment," concedes one. Adds another executive at a large U.S. oil company: "No refiner in his right mind should export product right now. Just one barrel, just one rowboat full—the heat we'd take from the feds would be immense."

Those willing to defend exporting say it is merely the free market at work. "We aren't taking gasoline from Americans for the net benefit of the rest of the world," insists an official of a company making exports. "Demand for gasoline is simply stronger in Europe than it has been here."

Tom Burns, manager of economics for Chevron Corp., says: "The market is allocating the gasoline to those who value it most highly. This shouldn't be looked at in a moralistic way. And if it is, well, we're just exporting to our allies who need it." Mr. Burns says Chevron isn't exporting.

The government could face an equally awkward public-relations dilemma. Among the questions pondered at last Thursday's closed-door congressional meeting was what the public might think about oil being exported for profit "while American husbands and sons go to the Saudi desert to fight," says one attendee. Also, the government is in the midst of kicking off a campaign calling on American motorists to cut back on gasoline consumption.

U.S. ENERGY POLICY

Some industry experts contend a schizophrenic U.S. energy policy has inadvertently encouraged exports by creating a two-tier global oil pricing system in which the U.S. trails. The administration preaches the free market, even as it imposes a subtle form of oil price control by having officials call industry executives to urge restraint.

And as the government struggles to set strategy, it doesn't always take into account anomalies that can arise within the market. For instance, analysts say, not all oil-fed utilities and manufacturing plants in the U.S. should be encouraged to stop using residual fuel oil in favor of natural gas. If too much of that heavy fuel oil is shunned, they argue, oil refineries will have to cut back on runs of gasoline and heating oil. That is because they would be swamped with unsold "resid" that is automatically produced at the same time.

"The government—it just doesn't know how to connect the dots," says Lawrence Goldstein, president of the Petroleum Industry Research Foundation.

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FEARING OUTCRY, BIG OIL COMPANIES WILL TRIM PROFITS

(By Thomas C. Hayes)

Fearful of public and Congressional outcry over the large profits that many oil companies are likely to report for the fiscal quarter that ends in two weeks, industry executives are trying to find ways to hold down those profits.

Their strategy takes two tacks. One is to hold down the increases in the retail price of gasoline. That may be news to motorists who have seen gas prices rise an average of 23 cents a gallon since the Iraqi invasion of Kuwait last month, but oil industry executives say a 36-cent-a-gallon increase would have been needed to offset the sharp increase in crude oil prices, which have nearly doubled this summer.

The oil companies' second strategy for reducing profits is to increase the amount of money they set aside, or hold in reserve, for future environmental expenses, for refinery and chemical-plant maintenance programs and for potential legal claims. Such a step is commonplace in the industry and conforms with accounting standards.

In trying to hold down profits, the oil industry is heeding the advice of the White House and senior Republicans in Congress.

CALLS FOR RESTRAINT

In a speech on Aug. 8, President Bush urged the oil companies to show restraint in raising gasoline prices. The next day, Senator Bob Dole of Kansas, the minority leader, sent a telegram to the chief executives of 11 major oil companies, warning that if gasoline price increases were not checked, the outcry would be overwhelming.

"I can assure you that it will be very difficult to stop legislation controlling the prices of petroleum products or taxing profits resulting from these increases should not action be taken by the oil industry," he said in the telegram.

The industry is anxious to avoid a replay of the 1970's, when angry consumers and legislators pilloried Big Oil as oil prices and company profits soared. A windfall profit tax took several billion dollars away from oil companies before crude oil prices plunged below $10 after 1985. Bryan Jacoboski, an analyst at Paine Webber, said oil executives suppose now that "the best way to avoid any windfall profit tax is not to report any windfall profits."

One warning of potential backlash came Thursday, when Senator Kent Conrad, a North Dakota Democrat, told Energy Secretary James D. Watkins, "There will be universal outrage" if reports of soaring oil profits appear.

Mr. Watkins replied that antitrust officials in the Justice Department were the Administration's first line of defense against profiteering. He also said oil companies that engaged in the practice would be "hammered" by the Administration.

Senator Conrad said in an interview Friday: "If there is a significant surge in profits, we all know there will be a public reaction. I'm not engaged in oil-industry bashing. I am trying to understand what the President means when he says we will not allow profiteering. Where is the plan?"

Nonetheless, profit increases of more than 40 percent from those reported in the comparable fiscal quarter last year seem certain for at least four major oil companies, and many others are expected to show profits of close to 20 percent, Wall Street securities analysts say. In general, oil companies that will profit the most are those that produce a great deal of crude oil and thus will benefit from the near-doubling of crude oil prices.

"It's a great time to be a producer of oil, but it's a bad time to be a retail seller of gasoline," Mr. Jacoboski said.

Holding down prices at the gas pump could also help the larger oil companies in the future because smaller competitors might be squeezed out of gasoline retailing.

SMALLER COMPANY HURT

One independent company, the East Coast Oil Corporation, which is based in Richmond and has 42 gas stations in Virginia, has had its daily sales volume reduced by 20 percent in the last month because its prices

are now a few pennies a gallon higher than nearby stations operated by major oil companies like Texaco and Mobil.

East Coast's president, John M. Steele, said he would have to sell the gas at a loss of a few pennies a gallon to match the major companies' prices. As it is, at an average price of $1.20 a gallon, he said he was making two-tenths of a cent a gallon in profit, before taxes and expenses. In early July, when he sold the same gasoline for 95 cents a gallon, three cents below the competing large oil companies, his operating profit was eight cents a gallon.

The oil companies' strategy of building up reserves to pay for future expenses is not uncommon.

"It's kind of a well-established tradition in the oil industry that any time your company realizes extraordinary earnings that you try to develop some extraordinary pocket to deeply hide those earnings," said Bernard J. Picchi, an analyst at Salomon Brothers. "Environmental charges have been the favorite in the last two years. I expect we will see more of them, and a lot more settlements of long-standing legal disputes."

Staying attuned to Congress has taken on a fresh urgency for oil executives, who see in the Persian Gulf crisis an opportunity to reclaim some of the political ground lost after the disastrous Exxon Valdez oil spill in Alaska 18 months ago.

The blockade against Iraq and Kuwait crude has dramatically underscored the decline of the nation's oil production which has fallen to about seven million barrels a day. The United States, which consumes about 16 million barrels a day, has become more dependent on low-cost crude imports. Daily crude imports were nearly eight million barrels a day before the Iraqi invasion on Aug. 2.

The oil industry wants Congress to back new tax credits that would reduce drilling expenses in the United States. It also wants to explore and produce oil in the Arctic National Wildlife Refuge in Alaska and the coastal waters near Southern California, the Carolinas and Florida.

STEPS TO CUT PROFITS

In examples of how oil companies are trying to curtail profits, ARCO and Oryx Energy announced steps last week that will bite into their third-quarter earnings. ARCO settled a long-running pricing dispute over Alaskan crude oil last week, agreeing to pay $287 million to Alaska's government.

Oryx, the nation's largest independent oil producer, said it had taken out new loans of nearly $1 billion, sharply raising its interest expense, to acquire 17 percent of its stock, held by the Pew family charitable trusts, for $968 million.

The oil industry is far from monolithic, as the plight of the independent gasoline marketers suggests. Many major oil companies, including Exxon, Mobil, Amoco and Texaco, are called "integrated" because they operate in virtually all phases of the industry: exploration, production, refining, transportation, service-station retailing and petrochemical manufacturing.

The jump in oil prices this quarter will benefit exploration and production units because each barrel will bring in sharply higher revenues, while the costs to find and pump the oil have not changed. Most refineries also should show higher profits because gasoline demand was strong during the quarter, plant operations were close to capacity and wholesale gasoline prices rose sharply.

On the other hand, petrochemical and gasoline marketing operations were squeezed. Petrochemical units were hurt because demand for products slowed while costs for crude oil, the major raw material for making plastics and other products, soared. And gasoline marketing deliveries because of the major oil companies' response to the President's call to keep retail prices in check.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. 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.

## ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, under the regular order of business, S. 1511 is to come up at 2 o'clock. I ask unanimous consent that it come up at 2:30 p.m. under the same terms and conditions as previously entered.

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

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

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

The legislative 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.

## TRIBUTE TO JOHN HARBERT

Mr. SHELBY. Mr. President, it is with great pride that I rise today to pay tribute to John M. Harbert III, one of Alabama's most powerful and successful industrialists, who has recently retired as chief executive officer of Harbert Corp. He has made a lasting impression on the State of Alabama, and his genius as a businessman and philanthropist has touched people around the State and the world.

John founded the family owned company in 1949 after he and a crew of 12 men built a bridge near Prattville, AL. The small business struggled to eventually become a major corporation with worldwide operations and 5,000 employees, including 450 in Birmingham. He once recalled that he went broke three times, but never filed for bankruptcy. Hard work, to which he attributes his success, repaid the debts and put the company back on its feet.

John's projects have improved the quality of life in Alabama and throughout the world. Harbert Corp. has upgraded sewage and water treatment facilities in Egypt, built grain loading and silo storage facilities along the Red Sea at Safaga, built oil and gas pipeline systems through South American jungles and drilled water wells in the Sudan. Government defense installations have been built by Harbert in the South Pacific, as well as the Middle East. In the United States, Harbert had coal and limestone mining projects and barging operations along the Mississippi River in the 1970's. Harbert also helped establish the Florida Gas Co. in the 1960's. These are a few of the countless projects, along with building roads and bridges throughout the United States, that have been major contributions to our standard of living.

John earned his B.S. degree in civil engineering at Auburn University in 1946 and is a licensed professional engineer and land surveyor in the State of Alabama. In addition to the construction company, Harbert Corp. is involved in office management and leasing, real estate development, oil and gas exploration, cogeneration and recycling.

Although business has been an important focus for John, I know that it is not the central component which has shaped his life. He is extremely involved in civic activities, especially with regard to supporting educational, medical, and arts facilities in his community and State. He is a trustee for the Birmingham Museum of Art, the Eye Foundation Hospital, Junior Achievement of Alabama, the Young Women's Christian Association and the Southeastern Legal Foundation. He is also a trustee to the Alabama School of Fine Arts, Birmingham-Southern College and the American University in Cairo. He has been nationallly recognized for his work on the Birmingham Area Council of the Boy Scouts of America, which is an ongoing interest of his. In addition, he serves on the National Council of the Salk Institute in San Diego, CA, and was the first Alabamian to be elected to the National Board of the Smithsonian Associates in Washington, DC.

John has been an inspirational figure to many and has generously shared his business knowledge and experiences as executive in residence and lecturer on the campuses of the University of South Alabama, the University of Montevallo, the University of Alabama at Birmingham, Auburn University, Birmingham-Southern College, and Duke University. For his contributions to education, he was awarded the Exemplary Dedication to Higher Education Award in 1981. He

holds honorary doctorate degrees from the University of Montevallo, Auburn University, Birmingham-Southern College, and Cumberland College in Williamsburg, KY.

John's employees note that over the years he has been an eager personal participant in improving the quality of life in his community and has never failed to tackle any challenge head on when something needs to be done. He has superb timing and is willing to roll up his shirt sleeves to accomplish any task. These characteristics have contributed to his success and the success of the United States. He is no sideliner.

John has not retired per se, but he has resigned as chief executive officer. He is continuing his role as chairman of the board of Harbert Corp. and will probably be busier than ever.

Mr. President, John Harbert embodies the very characteristics that identify the American spirit—courage, determination, generosity, and the willingness to work hard. He is a great source of pride for the State of Alabama and has given Birmingham the opportunity to add yet another outstanding citizen to that city's history. I know that I join his wife, Marguerite, and his children, John, Raymond and Margie, in sharing their pride in his many accomplishments. I salute John as a man of great personal character, and I am honored to serve as one of his representatives in Washington and even prouder to call him my friend.

## RECOGNIZING THE 50TH ANNIVERSARY OF THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Mr. President, I rise today to recognize the 50th anniversary of the Selective Service System. It is a small but vital Federal agency with a very distinguished history of service. Many of us in this Chamber can personally recall those treacherous weeks leading up to World War II, and the measures taken by the Congress and President Franklin D. Roosevelt to prepare the Nation for battle. On September 16, 1940, the President signed the Selective Service and Training Act, passed by the 76th Congress, which instituted the Nation's first peacetime draft and placed it under civilian control. This was the birth of the modern Selective Service System.

We have always counted on our young men to be ready to defend America. Since 1940, and with only two brief interruptions, men have been required to register with Selective Service. Often, they have been required to serve. Over 10 million men were drafted for World War II, over 3 million more for Korea and Vietnam. It has been our good fortune that a draft has not been necessary since 1973.

Today, the Selective Service System acts as an inexpensive national defense insurance policy. For the past 10 years, only registration has been required, yet because of this ongoing program and continued mobilization planning, the System is ready to resume a draft at a moment's notice, should the Congress and the President decide that conscription is needed in an emergency.

Two years ago, I hosted a few other Senators and Congressmen to personally congratulate 18-year-old Neil Goldberg, the 20 millionth man to register with Selective Service since the program was reinstated in 1980. Today, nearly 99 percent of the Nation's draft-eligible men, ages 20 through 25, are registered. It is rare, indeed, that any Government program can claim a 99-percent success rate.

This notable achievement is a tribute to the cooperation of the young men themselves, and to the men and women of the Selective Service System who have worked so long and hard to improve compliance rates. It also reflects well on Congress. We have seen fit to pass legislation over the years which helped increase awareness of the registration requirement.

For example, a Military Selective Service Act amendment, which I sponsored in 1985, tied registration to eligibility for most Federal jobs. A man must have satisfied the Selective Service registration requirement before he can work in the executive branch of the Government or in the Postal Service. An amendment introduced by Representative GERALD SOLOMON in 1982 linked registration with eligibility for Federal student financial assistance under the Higher Education Act.

Let us hope and pray that our Nation is never again involved in a crisis of such magnitude that a draft becomes necessary. But let us be appreciative of the fact that we must maintain the capability of mobilizing America's manpower if it ever becomes necessary to do so. The Selective Service System, with the millions of names and addresses in its computers, provides that capability.

It has a small annual budget, and it is authorized only 277 full-time employees, yet System Director Samuel K. Lessey, Jr., runs a tight ship with a proven track record. To ensure that it is ready, the System depends on part-time support from more than 700 assigned National Guard and Reserve officers and it has identified and appointed over 11,000 citizen volunteers who are ready to serve on local, appeal, and review boards.

Let us express our appreciation to all the members of this Selective Service family on their agency's golden anniversary. They help keep our Nation strong in a sometimes-hostile world.

## HERBERT BROWNELL AND THE EISENHOWER CIVIL RIGHTS RECORD

Mr. DOLE. Mr. President, last June, former Attorney General Herbert Brownell delivered a speech, entitled "Eisenhower and Civil Rights," during the year-long centennial birthday celebration of our 34th President, Gen. Dwight David Eisenhower.

Attorney General Brownell has done us all a great service by outlining in a clear—and yes, exciting way—President Eisenhower's record of leadership in opening up the American dream to all of our Nation's citizens. In his remarks, the Attorney General highlights:

President Eisenhower's efforts during World War II to break down racial barriers in the Army and to guarantee equality for America's black troops.

President Eisenhower's strong support for the plank in the 1952 Republican platform urging the elimination of racial segregation in Washington, DC.

President Eisenhower's leadership in enforcing the District of Columbia ordinance making racial segregation of public facilities illegal in our Nation's Capital.

President Eisenhower's support of the Justice Department's position in Brown versus Board of Education that school segregation was unconstitutional.

President Eisenhower's sponsorship of the Civil Rights Act of 1957, the first piece of civil rights legislation since the Reconstruction era.

President Eisenhower's courageous decision—after mediation efforts had failed—to send troops to Little Rock, AR, in order to enforce the court-ordered desegregation of the Little Rock Public School system.

Without a doubt, these were all difficult decisions made during difficult times in our Nation's history. But they were the right decisions, decisions borne out of courage and commitment, and bearing the imprint of one man in particular, Herbert Brownell.

Mr. President, I ask unanimous consent that the full text of Attorney General Brownell's remarks be inserted in the RECORD at this time.

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

### EISENHOWER AND CIVIL RIGHTS

(Speech delivered by Herbert Brownell at the Symposium "Decade in Black and White," Eisenhower Library, Abilene, KS, June 5, 1990)

The story of the Eisenhower Administration's activities in the field of civil rights and of President Eisenhower's personal participation in those activities, has never been adequately told. Accordingly it is appropriate that we have this discussion as part of the Centenary international celebration of Dwight Eisenhower's birth.

I obtained a preview of Eisenhower's opinions in the civil rights field on the occasion of my visit to him at NATO Headquarters outside of Paris in March 1952. Eisenhower had invited me to visit him while he was considering the many requests, both from Republicans and Democrats, that he run for President on the Republican ticket. At the time I was a member of a small, informal group headed by Governor Thomas E. Dewey of New York and General Lucius Clay, U.S. Army retired. This group was meeting at the old Commodore Hotel in New York City, to spearhead the various citizen groups which were urging Eisenhower to run. At that time it had no authorization or approval from General Eisenhower for its activities.

When the invitation from Eisenhower arrived, General Clay made arrangements for me to fly to Paris under an assumed name which was deemed necessary to shield General Eisenhower against media speculation about his plans.

I was Eisenhower's guest at NATO Headquarters for an entire day. His views on the importance of the NATO alliance and the relationship with the United States and its allies in western Europe were, of course, well known by that time but his views on domestic affairs were less known. Therefore, I asked him to outline these views so that I could answer his request as to whether I thought it was politically feasible for him to.

I specifically asked him about his position on civil rights. He described his actions during the War in breaking down racial barriers in the Army and supporting equality for black troops. If he decided to run and was elected, he commented that he would seek as a first order of business to eliminate discrimination against black citizens in every area under the jurisdiction of the Federal Government.

It must be remembered that at this time, *Brown* v. *Board of Education*, relating to discrimination against black children in the public schools, had not yet been decided by the Supreme Court. The previous Supreme Court rule in *Plessy* v. *Ferguson* had allowed segregation in public schools to continue and had stood as the authoritative interpretation of the Constitution in this area by the Supreme Court for several generations. Under the *Plessy* case, the problem of segregation in primary and secondary schools was not in the Federal government's domain. *Brown* v. *Board of Education* was to be the turning point.

Our discussion of the Eisenhower actions in integrating the armed forces under his command during the War led to a discussion of the conflicting views on civil rights within the Republican Party. The leading Republican Governors at the time, Governor Dewey of New York, Governor Warren of California and Governor Stassen of Minnesota, were all pro-civil rights and had advocated the passage of fair employment practices legislation in their respective states. Some Republicans in the congressional wing of the Party, however, had been satisfied to cooperate with the southern Democrats in allowing civil rights legislation to be killed year after year by Senate filibuster—the so-called "southern strategy." Eisenhower had a clear picture of this factual situation and the position of Republican party leaders on civil rights by the time that our preview conference was concluded.

As you know, shortly thereafter he decided to become a candidate. He returned to the United States to begin an active pre-convention campaign. One of his first steps was to review the proposed Republican platform and he took a position favoring a plank in that platform which pledged the Republican Party to eliminate segregation in Washington, D.C., the nation's capital.

On his inauguration day, we sometimes forget, segregation prevailed in all public accommodations in Washington. No black citizen could get a room in Washington's first class hotels nor could he or she eat at the city's public restaurants. Parks, playgrounds, bowling alleys, etc. were strictly segregated. This segregation was actually illegal under a District of Columbia ordinance passed many years before, during reconstruction days following the Civil War. But the district government was then controlled by committees of Congress which were dominated by members from the southern states. The District government claimed that since the ordinance had not been enforced for many years, it was inoperative. They called it the "lost statute."

The new President asked me for an opinion on the validity of this claim. When I advised him that the claim was invalid he directed me to take over from the District Corporation Counsel the management of litigation to test the validity of the "lost" statute. I did so, and the Court upheld enforceability of the "lost statute."

President Eisenhower then called together the civic leaders of the City. They responded to his leadership promptly and all public facilities in the District were forthwith desegregated. It should be noted that Frederick Morrow and Ambassador Maxwell Rabb, then of the White House staff, under the President's guidance, were effective in implementing the program which was completed during the first year of Eisenhower's presidency.

But all this, while historic, was soon to be overshadowed by the action of the Supreme Court in the case of *Brown* v. *Board of Education* which was a consolidation of five cases that had been brought in various states and the District of Columbia by black school children and their parents against their local Boards of Education to desegregate the schools. The Federal government was not a party to the case. It had been argued before the Court but not decided, when Ike became President.

In June 1953, near the end of the Supreme Court term, the court, instead of handing down a decision issued an order setting *Brown* for reargument in October of that year in order to hear the views of the Eisenhower administration. It requested the Attorney General to appear for oral argument as friend of the court and to respond to five specific questions. The gist of the questions was that the Court wanted a new, in-depth look from the participating attorneys into the constitutional problems that were involved. It also wanted a detailed history of the 14th Amendment to the Constitution insofar as it might apply to segregation in the schools. We all know that the 14th Amendment passed during the Civil War period had introduced the concepts of "due process" and "equal protection" to add to the other protections which citizens enjoyed under the original Bill of Rights. What would these concepts mean if applied to practices in the public schools? If they barred segregation how could this fundamental change in America's lifestyle be brought about?

I immediately informed the President of the court's action. His first reaction was that since the Federal government was not a party to the litigation we should decline the court's invitation on the ground that the decision of this momentous problem was properly one for the Judicial Branch of the government. I recommended, however, that the court's invitation be accepted and the President accepted this position. The Justice department then launched an intensive study of the history of the 14th Amendment and the preparation of our brief on the pertinent constitutional problems. We met the court's deadline for argument in October.

Since no Solicitor General had yet been appointed, I designated J. Lee Rankin, Assistant Attorney General, to represent the Justice Department. After many conferences with him and his staff, the brief was put in final form and submitted to the court along with the historical supplement. The policy group within the Department considering the constitutional questions was, in addition to Mr. Rankin, Deputy Attorney General William P. Rogers, Assistant Attorney General Warren E. Burger and Assistant Attorney General Warren Olney. For the historical study we found a gold mine of government records by Professor W. S. Jenkins of the University of North Carolina from which we concluded that the history of whether the 14th Amendment applied to desegregated schools was inconclusive. We had to face the fact, however, that the same Congress which had initiated the 14th Amendment had also appropriated funds to continue segregated schools in the District of Columbia. Arguably, therefore, Congress had not intended to ban school segregation when it submitted the Amendment to the states for ratification. The principal attorney supporting school segregation was John W. Davis, the New York attorney who had once been Solicitor General, and in 1924 had been the Democratic nominee for President. He used this fact effectively in his oral argument before the court.

Now came the big decision—what was to be the administration's stand on the constitutionality of segregated primary and secondary schools? I consulted the President whose initial reaction was that the Executive branch had more than fulfilled its obligations by preparing the answers to the five specific questions asked by the court—that the interpretation of the Constitution was the Supreme Court's duty.

I pointed out to the President that when Mr. Rankin made his oral argument before the court, he would undoubtedly be asked the flat question: Is school segregation constitutional, and I thought it would be disastrous to our argument if we were not to answer that question forthrightly. The President then asked my professional opinion and I answered that school segregation was unconstitutional. Eisenhower said that if that was my professional opinion, we should so advise the court if they asked the question. The court did ask the question in oral argument and Mr. Rankin stated our position.

The court handed down its unanimous decision outlawing segregation in public schools at the end of its 1954 term in June.

The historic opinion left open for later consideration the all important matter of how the decision would be enforced. Probably the reason it did so was to obtain a unanimous opinion from the 9 Justices on the basic constitutional problem. The enforcement of the *Brown* decision was thus in limbo for a whole year. The significance of the later *Brown II* decision on the enforcement of *Brown I* is often overlooked. We proceeded to prepare another brief and

another oral argument for *Brown II* on methods of enforcement. This time our presentation was made by Simon Soboloff, the newly appointed Solicitor General. He consulted the President who suggested that we emphasize the complexity of the administrative problems to be faced by the local school boards such as the necessity of changing school district lines, of building new school houses, of training and hiring new teachers, and a myriad of other administrative problems which made instant compliance with *Brown I* impracticable. On the other hand, if enforcement was to be indefinitely delayed, a generation of school children would not receive the benefits of desegregation.

We decided to recommend a plan to have each school district where a desegregation dispute existed, submit a desegregation plan to the local District Court for approval. We also urged a second point in our briefs, that school districts should be required to submit their plan within a period of 90 days and that all districts must comply after a period of one year.

The Supreme Court adopted our first suggestion but rejected our second suggestion when it handed down its decision, again unanimous, in *Brown II* in 1955. No timetable for a presentation of plans or completion of desegregation was included. *Brown II* created indecision among local educational and political officials. It unwittingly sowed the seeds for violence that ensued in Little Rock and during the administrations of Presidents Kennedy and Johnson.

In the Department of Justice, our efforts to enforce the Supreme Court's decree in the *Brown* case outlawing segregation in the public schools were two-pronged.

First, we responded affirmatively to calls for assistance from the Federal Courts, as at Little Rock.

Second, we drafted and succeeded in getting passed, the Civil Rights Act of 1957 which was to be the first Civil Rights Act since the Reconstruction Era. This Act, as originally presented by us to Congress, would for the first time have given to the Attorney General direct power to sue whenever there was a violation of any Civil Rights which had been declared by the Supreme Court to be a constitutional right. If thus encompassed the whole field of rights later covered by the Civil Rights Acts in the '60's, including the right to vote.

In simple language it empowered the Attorney General to enforce the Constitutional promise of "equal protection" for all citizens without further Congressional action. Its scope was broad enough to give the Attorney General the power to enforce not only voting rights but also any Federal District Court decree which approved a local plan to desegregate the public schools. It would have freed up moneys appropriated for general law enforcement purposes to be used for those specific purposes. It would have broken the 100 year impasse in Congress on Civil Rights. I trust we will have an opportunity to discuss this 1957 Civil Rights Act more fully during the course of this symposium.

Immediately, Senators Richard Russell, Sam Ervin and James Eastland from the South denounced the bill as making the Attorney General a "czar." This charge was true to the extent that Congress, through filibusters, would no longer have been able to stop the Justice Department from implementing the "equal protection" promises of the Constitution in any manner approved by the Courts.

Outside of Congress, we were met by massive resistance to enforcement of the *Brown* decision. Almost all of the Senators and Congressmen from the Deep South issued a defiant "Southern Manifesto." It stated: "We pledge ourselves to use all lawful means to bring about a reversal of this *Brown* decision which is contrary to the Constitution and to prevent the use of force in its implementation." The Southern Manifesto spawned the formation throughout the South of White Citizens Councils seeking to nullify the *Brown* decision.

Sporadically, cases of rioting began to occur when local school board officials attempted to comply with the *Brown* decisions. In one case in Tennessee a man named Kasper led the rioting that threatened to get out of hand and the local judge asked for Justice Department aid, which was granted. Kasper was sent to jail. Shortly thereafter unknown persons burned fiery crosses in the front of homes where a number of Supreme Court Justices lived in Washington. The following Sunday early in the morning I heard commotion outside my home and turned on a master light switch. I found that kerosene has been dumped on the ground under the bedrooms where my children slept, but the intruders were nowhere to be seen. The atmosphere was ugly. Over a period of months we in the Justice Department had had the growing realization that a clash of historic importance between the President, who was required by the Constitution to enforce the law of the land, and political leaders in the South, who had announced their plan to resist enforcement of *Brown* v. *Board of Education*, was inevitable.

We had engaged in "contingency planning" so we would not be caught unprepared. Thus, by the time that the groups from White Citizens Councils from various parts of the South converged on Little Rock, Arkansas, we had completed our studies of the legal precedents on the President's power to intervene in localities where rioting went beyond local ability to control a violation of the Constitution.

We were called upon for assistance by the Mayor of Little Rock and the school board which was trying to integrate the high school. They were a law-abiding and progressive group that accepted the Supreme Court decision in the *Brown* case as binding on all public officials, even though some other officials, like Governor Faubus, defied the court's interpretation of the Constitution.

A federal judge was hearing the dispute between Governor Faubus and the school board, as the crisis had spilled over into litigation. The Judge called on the Justice Department to enter the case as friend of the Court. We accepted and sent attorneys to work with the school board attorneys. We also sent a Justice Department attorney, who had previously resided in Arkansas, to discuss the situation with Governor Faubus, but to no avail. Finally we sent in FBI agents on a fact-finding mission.

At the same time, many appeals for help in Little Rock were being made directly to the White House. Sherman Adams, Chief of Staff, undertook to mediate. We, of course, kept him informed of activities on the legal front. Adams called upon an old friend of his from Congressional days, Brooks Hayes of Arkansas, who believed that a compromise was possible. Governor Faubus by that time had called out the Arkansas National Guard and ordered that the black students be prevented, by force if necessary, from entering the high school. Adams and Hayes counseled with some Southern governors, with the avowed intention of persuading Governor Faubus to withdraw his order, but this effort failed. Adams then asked the President to meet with Governor Faubus personally in a last attempt to have a peaceful settlement. The President asked my political opinion. I told him Governor Faubus was running for re-election and I thought he undoubtedly thought he could not allow the black children into the high school without being defeated at the polls, and therefore, I predicted, the President could not persuade the Governor to reverse his position.

Eisenhower decided to hold the meeting anyway. They met at Newport, R.I. At the conclusion we joined them, and the President told us they had agreed that the black children would be admitted to the high school. Everyone was relieved over the apparent agreement. I knew Eisenhower was a very persuasive person, but I was incredulous at Faubus's apparent capitulation, and the apparent abrupt end of a Constitutional crisis of such import. Governor Faubus returned to Arkansas. He kept the National Guard blockading the school doors to entry of the black children. When the President heard this, he telephoned me in Washington where I had returned. "You were right" he said. "Faubus broke his word." I could tell he was furious. His voice was tense. He was acting as a military Commander-in-Chief, dealing with Faubus as a subordinate who had let him down in the midst of battle.

In the meantime, members of the White Citizens Councils, formed throughout the South to combat enforcement of the *Brown* decision, began arriving at Little Rock from other states and the situation was getting out of hand. In the opinion of Mayor Mann of Little Rock who wired us and telephoned, lives were endangered. The FBI agents on the spot agreed. Governor Faubus was refusing at the same time to obey an order of the Federal Court. I presented our opinion to the President that in this state of affairs, where the Constitution as interpreted in the *Brown* case was being defied by the Governor and rioting was increasing, he had a Constitutional power and duty to enforce the law.

Only one effective way remained to enforce the law: Federal troops. Secretary Brucker of the Army was alerted. The President said to me. "In my career I learned that if you have to use force, use overwhelming force and save lives thereby." He ordered the 101st Airborne Division, which he knew had crowd control experience, to go to Little Rock.

Simultaneously, the President nationalized the Arkansas National Guard. The deadlock was broken and the black children entered the high school. The television screens around the country dramatized the events. These were rerun all over the world. It was as though South Africa had lifted its apartheid restrictions.

The black children, who must have been frightened, behaved magnificently then and throughout the ensuing weeks when the classroom atmosphere was electrically charged with emotion. No wonder when one considers that the white children had been brought up to believe that segregation was not only legal (under the Supreme Court's former opinion in the *Plessy* case) but justifiable and "natural." The Mayor, the School Board and especially the Superintendent and school teachers deserve great credit for

their actions. And through the ensuing years, the nation watched sympathetically and with pride, the progress of those beleaguered black school children in their mature years. The U.S. armed forces on the spot performed with restraint and common sense in carrying out their unpleasant duty. There was no loss of life.

I went over the manuscript of Eisenhower's draft of a speech with him and we made some changes to meet legal requirements. As soon as the speech was delivered Southern members of Congress reacted vehemently. Senator Russell of Georgia compared Eisenhower's tactics to Hitler's. A second Reconstruction period with "carpet bagger" government of the South was predicted by some Southern officials and newspapers, and you can be sure that I was a target in the storm. Looking back at the turbulent events, I can only conclude that Eisenhower's decisive action at Little Rock crushed the forces behind the Southern Manifesto. Eventual enforcement of the *Brown* case was assured. I was particularly happy that, when the Little Rock lawsuit reached the Supreme Court, it unanimously upheld the constitutionality of the President's actions.

Eisenhower did not comment publicly on the rightness or wrongness of the *Brown* decision during his Presidency but years later in this *Waging Peace* he stated he thought the case was rightly decided.

## THE NATIONAL EMERGENCY ANTI-PROFITEERING ACT OF 1990

Mr. PRESSLER. Mr. President, last week I joined my colleague, Mr. LIEBERMAN, in introducing the National Emergency Anti-Profiteering Act of 1990.

On September 3, I returned from an official, 4-day trip to Saudi Arabia. While there, we met with King Fahd, Prince Abdallah, and Prince Faisal. Before this visit, I held several public listening meetings in South Dakota. The primary complaint at these meetings was the excessive rise in gasoline prices. The public feels they are being exploited. I agree. Price gouging must stop. That's why we are introducing this tough, new legislation to prohibit profiteering.

Under our bill, the President may declare a national economic emergency for an essential commodity such as petroleum products when an abnormal market disruption exists. A "national economic emergency" may result from extraordinary weather conditions, acts of nature, large energy failures, civil disorder, or, as is now the case; military action. The emergency stands for 180 days from the declaration date, and extensions of 90 days may be added. Sellers of that essential commodity are then prohibited from charging an excessive price; that is, one not justified by the actual costs, plus a reasonable profit.

Profiteering not only includes the charging of an excessive price, it also refers to the excessive restrictions placed upon the sale, or transportation of an essential commodity. Petroleum products, primarily crude oil and other distillates like propane, gasoline, diesel, and home heating fuels are presently threatened. In our bill, any profits earned through such profiteering will be taken, and fines of up $500,000 and up to 5 years imprisonment are penalties which can be imposed.

As with the *Exxon Valdez* disaster and last winter's cold snap, the Iraqi invasion of Kuwait has resulted in skyrocketing prices of both crude oil and propane. Consumers have been hit hard by these increasing prices. Last week, in Rapid City, SD, gasoline prices rose another 5 cents per gallon. To the east, in Sioux Falls, gasoline prices have risen by 20 cents and diesel by 30 cents since the beginning of August. Similar increases have occured across the country and consumers are outraged.

The United States needs to become more self-sufficient in the production, exploitation, and refining of crude oil. We must increase our research on other sources of energy, thereby lessening our dependency on other nations for oil.

Since Saddam Hussein's invasion of Kuwait, a major crude oil shortage has not occured. However, a crisis mentality grips the oil market. Suppliers are using Saddam Hussein's international crimes as an excuse for charging increased prices. Actual costs: that is, those of acquiring, producing, selling, transporting and delivering the product, are expected to rise in the future. Anticipation of an oil shortage has led to an increase in the price of petroleum products. Yet actual oil supplies are adequate. An oil shortage might never develop if this crisis is resolved peacefully and weather conditions are normal. In the meantime, the additional profits being reaped by someone in the oil supply chain will remain in their pockets. The consumer of oil products will be the loser.

Consumers should not be subjected to excessive oil prices based on pure speculation. Oil prices have climbed nearly 50 percent since Iraq invaded Kuwait. Consumers understandably fear further price speculation. They recall what happened in the 1973 OPEC oil embargo, and the Iranian revolution of 1978–79.

South Dakota farmers and ranchers buy more propane and diesel fuel during harvest, planting, and haying seasons. The price of these petroleum distillates tends to rise slightly each year during such key periods. The increase is higher than usual this year. Already, South Dakotans are suffering from higher petroleum prices. As one of them told me, "I don't begrudge anyone a profit, but this is unreasonable." The average consumer perceives the prices charged by oil companies as excessive and above the reasonable profit level. Similar complaints were heard last winter. At the request of Senator HEINZ and myself, the General Accounting Office began an investigation in March to look into the substantial price increases of home heating fuel and propane last December. The legislation we introduced last week is an effort to avoid a repetition of that episode and the current oil price crisis. If enacted quickly, it could even help identify any existing profiteering.

We must minimize our excessive dependency on oil as a source of energy. Alternatives such as ethanol and methanol do exist, but are in limited use. Ethanol, derived primarily from corn, usually is 10 percent of the gasohol blend. The use of these alternative automotive fuels, has several important dimensions. It directly affects our agricultural and trade policies, energy security, air quality, and global warming.

Brazil has a very successful ethanol program, one we can learn from. Much of its automotive fleet operates on pure ethanol. Our Midwestern States have the largest concentration of alcohol fuel usage, but due to the expense and the limited production of alcohol-run automobiles, utilization even there is lower than what it could be. We are now faced with the perfect opportunity to expand the use and accessibility of alternative fuels. We need to encourage, develop, and broaden the use of alternative fuels.

We need long-term solutions. In the meantime, our bill and the convening of an emergency oil price task force would help stop the unwarranted, excessive price increases. Such a task force would act as a profiteering watchdog and would help to build up economic confidence.

This act is designed to prohibit any potential profiteering that may take place during a declared national economic emergency. Commodities essential to the U.S. economy, and to the general public, would be sheltered from any excessive price hikes brought on by producers. Market prices should not be raised at a faster rate than increases in actual costs. Penalties of 5 years imprisonment, fines of $500,000, civil remedies, and the taking of all profits earned through profiteering are included in the act.

Tough new laws are needed to stop outrageous price gouging from occurring again and again. Our bill is designed to protect the consumer from money-hungry profiteers. I urge my colleagues to join us in supporting this bill.

## LEAVING WELFARE BEHIND

Mr. MOYNIHAN. Mr. President, I wish to call my colleagues' attention to an article in yesterday's New York Times by Lisa W. Foderaro.

The Times reports that we have a successful welfare program operating in Westchester County, NY. The article tells the story of a 34-year-old single mother, Ester Fuller, who has spent her entire adult life on welfare. Ms. Fuller is now obtaining the basic education and skills to begin a career in radiology. In other words, Ms. Fuller has started down a road that leads away from dependency toward self-reliance.

This is precisely what we meant to have happen when we enacted into law the Family Support Act of 1988. We redefined the AFDC Program from an income maintenance program with a minor education and employment component to an education and employment program with an income maintenance component. To quote Ms. Fuller, "For so many years there was a support system. They sent you checks, and everything was fine. But now all of a sudden they're trying to get you out on your own in the world." The article continues, "Miss Fuller is proud that she is a new role model for her children, Shelton, 10 and Shadonna, 7, and that one day she will have the means to move out of public housing." Ms. Fuller personifies the notion of mutual obligation that was at the heart of the argument for the act: that individuals have the right to be supported in adversity by the State, and in return have the obligation to emerge from that adversity.

Ms. Fuller and others like her are in the process of emerging from their adversity and their dependence. Credit for making that possibility a reality should go to those who have expedited the implementation of Family Support Act programs. Specifically, credit should go to Westchester County Executive Andrew P. O'Rourke, who designed a program that effectively meets not only the educational needs of participants but also the labor force needs of the community. Mr. O'Rourke has created a model for other localities to follow.

Additionally, a great deal of credit should go to Anne B. Barnhart, the new—and first—assistant secretary for family support. The position was created in the 1988 act to provide new leadership and direction to this vital effort. Secretary Barnhart has overseen the Federal effort to provide timely information and assistance to those States and localities eager to begin programs.

I ask unanimous consent that the above mentioned New York Times article be printed in the RECORD.

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

[From the New York Times, Sept. 14, 1990]

LEAVING WELFARE BEHIND BY DEGREES

(By Lisa W. Foderaro)

VALHALLA, NY, September 13.—Every day, Esther Fuller wakes up in a Yonkers housing project crawling with crack dealers, plastered with graffiti and reeking of urine, and every night, she tucks her two children into bed there. But in between, on the rolling campus of Westchester Community College here, her life is undergoing a great, if gradual, change.

At 34 years old, her entire adulthood spent on welfare, Miss Fuller is mastering linear equations, working with additive inverses and figuring out the meaning of words like "prodigy" and "fertility" by considering their contexts. Next year, after two semesters of remedial education, she plans to begin two years of work toward an associate degree in radiology.

With a nudge and a prod from Westchester County, Ms. Fuller and dozens of other welfare mothers are going to college to turn themselves into dieticians, nurses, respiratory technicians, phlebotomists and radiologists. The county, with the help of state and Federal financing, is paying for it all; tuition, tutoring, transportation, day care, lunches, books and school supplies.

"It's a little scary," Miss Fuller said as she took a break recently between her math and writing classes. "For so many years there was a support system. They sent you checks, and everything was fine. But now all of a sudden they're trying to get you out on your own in the world."

REQUIRED PARTICIPATION

The health-care training is part of a larger county program, Moms on the Move, which reflects the changes in welfare programs nationwide. States and municipalities are going beyond menial labor to offer more substantial opportunities as a result of the 1988 Family Support Act, which required that most welfare recipients participate in government-sponsored educational and job programs.

Westchester has organized its program to try to solve two problems simultaneously by matching a pool of bright but idle single mothers, as well as a few single fathers, with the shortage of health-care professionals.

"The practical reality is that jobs are going begging in area hospitals," said Dr. Margaret Olson, director of Special Student Services at Westchester Community College, which is a sponsor of the program with the county. "And when these women were 5 years old, many of them said they wanted to be nurses or teachers, so the socialization is already there."

Although she faces four tough semesters of colleage-level courses after this one, Miss Fuller is proud that she is a "new role model" for her children, Shelton, 10, and Shadonna, 7, and that one day she will have the means to move out of public housing.

HAVING "A CAREER, NOT A JOB"

"Mainly, I look at myself differently," she said. "I'm a lot more positive. My attitude is to just go out in the world and get it and bring it back."

Shelton, who dreams of becoming a jazz drummer, sees himself in a different light, too. "I want to go to college and have a career, not a job," he said the other day after stepping off a school bus in southwest Yonkers.

New York State is requiring all counties to devise a program combining jobs and education. The state recently told Westchester that 311 of its welfare recipients must be enrolled in a program, but the county has already far surpassed that figure. Some 3,200 people out of 17,000 on public assistance are now taking part in public works projects, job training or education programs, and the county plans to test and screen thousands more.

In the last year, in return for their checks, more than 2,000 home-relief recipients performed 242,000 hours of work for towns and community organizations, while another 2,000 were placed in mandatory drug- and alcohol-treatment programs.

WORK-STUDY PROGRAMS

While 88 single parents are taking part in the health-care component of Moms on the Move, which began as a pilot project in January, another 122 are attending Westchester Community College in a work-study program in engineering and technical fields; a pre-freshman program to help new students with remedial writing, reading and math skills, and an "English as a second language" program.

The driving force behind the welfare programs in Westchester is the County Executive, Andrew P. O'Rourke, who has a personal motivation as well as the goal of saving taxpayer money. His mother was on welfare throughout his childhood in Hell's Kitchen on Manhattan's West Side, he said.

"I remember it well, and I don't remember anything nice about being on welfare," Mr. O'Rourke said. "We're giving people a real shot at a future as opposed to staying on the welfare treadmill."

Last year, the county sent letters to mothers on welfare whose youngest children were older than 6, telling them to take a five-hour basic skills test or lose their benefits. Of the 235 tested, 42 percent were considered ready for college-level work. The county will test another 750 to 1,000 this fall. Mothers whose children are older than 3 will also be notified this fall, reflecting a change in state and Federal mandates.

PRAISE FOR SOCIAL SERVICES

The county has committed $964,000 to the Moms on the Move program, with three-quarters of that to come from Federal and state sources.

In the past, the mothers who are now in Moms on the Move saw the Department of Social Services primarily as unhelpful and unfriendly. But now they are effusive with praise for the county, and seem to share its goals.

"I'm here because my mother was on welfare, and I didn't want the cycle to continue," said Joyce Torres of Yonkers, a 25-year-old mother of two who at 14 was married in Puerto Rico. She is studying to be a nurse.

"For once, the Department of Social Services is doing something for us," said Bernitha Lopez, 34, of Mount Vernon, who is studying to be a respiratory therapist. "They're giving us the opportunity of a lifetime. You can either stay home and watch soap operas or you can come to school and get a career."

"They don't want anyone to fail," Miss Fuller said. "They're always keeping an eye on you. They're behind you pushing."

Through the program, Ms. Lopez and Miss Fuller have become fast friends, helping each other juggle homework and housework, classes and cooking. "She gets on my case," Miss Fuller said. "Sometimes I need that."

## TRIBUTE TO ALTHEA SIMMONS—A GIANT ON CIVIL RIGHTS

Mr. KENNEDY. Mr. President, last week America lost a great champion in the continuing struggle to fulfill the

constitutional promises of equal justice for all, when Ms. Althea T.L. Simmons, the director of the Washington Bureau of the National Association for the Advancement of Colored People, passed away.

Althea Simmons was a tireless and effective champion of civil rights. As the NAACP's chief legislative strategist on Capitol Hill, she played a key role in enacting many critically important laws, including the Voting Rights Act, the legislation establishing a national holiday to honor Dr. Martin Luther King, Jr., the Civil Rights Restoration Act, and the Fair Housing Act of 1988.

Althea Simmons was especially effective in communicating with Senators and Representatives from across the political spectrum and in educating us about the issues. In a very real sense, she was the 101st Senator on civil rights, and she made an extraordinary difference in the lives and well-being of millions of Americans seeking their birthright as citizens of this country entitled to equal justice and equal opportunity.

Every American committed to the cause of civil rights will miss the strength, the wisdom, and the presence of Althea Simmons. I extend my deepest sympathy to her family and to her colleagues.

Mr. President, I ask unanimous consent that a tribute to Althea Simmons by the leaders of the NAACP and an obituary from the Washington Post be printed in the RECORD.

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

STATEMENT OF THE NAACP

The National Association for the Advancement of Colored People profoundly regrets the death, on September 13, 1990, of this treasured member of the NAACP family for some 3½ decades. Since 1979 she had served with great distinction, as Director of our Washington Bureau and Chief Lobbyist. She was widely respected as one of Capitol Hill's most effective lobbyists. Prior to this post she served as Associate Director of Branch & Field Services, where she had responsibilities of supervising the NAACP nation-wide network of branches, field staff, membership and youth and college division. She also held the positions of NAACP National Education Director, National Training Director, and Voter Registration Projects Director. A former college teacher and a newspaper woman, she was a graduate of Louisiana's Southern University, in business; University of Illinois, in marketing and Howard University's School of Law, Washington, DC. Among many awards and honors she received, are Washburn University's Presidents Award; Howard University's Alumni Award for post graduate achievement in law and public services; National Bar Association's Gertrude E. Rush Awards; Delta Sigma Theta's Patricia Roberts Harris Award and Links, Inc. National Trends and Services Award. Miss Simmons was a widely sought speaker throughout the nation for church, education, political, business, fraternal and professional forums. She was a member of Asbury United Methodist Church, Washington, DC and chaired the committee on corporate fiduciary responsibility and committee on legal concerns of The United Methodist Church Board of Pensions. She is survived by a sister, Earldean V.S. Robbins, San Francisco, nieces, Robin Simmons Robbins, Alfreda Wall, Jaqueline Glover, Sharon Simmons; nephews Brett Simmons Robbins, Michael and Darryl Simmons. Wake will be held on Wednesday, September 19, 1990, 6-9PM, Asbury United Methodist Church, 11th and K Streets, NW., Washington, DC. Funeral, Thursday, September 20, 1990, 11AM, also at Asbury United Methodist Church. She will be greatly missed by all of us, but her contributions to our cause will be enduring. Those wishing to do so, may send memorial contributions to the NAACP, 4805 Mount Hope Dr, Baltimore, MD 21215.

WILLIAM F. GIBSON,
*Chairman.*
BENJAMIN L. HOOKS,
*CEO, Executive Director.*
HAZEL N. DUKES,
*President.*

[From the Washington, Post, Sept. 15, 1990]

ALTHEA SIMMONS, NAACP OFFICIAL, DIES

Althea T.L. Simmons, 66, the chief of the NAACP's Washington bureau since 1979 and the organization's chief Washington lobbyist, died of respiratory failure Sept. 13 at Howard University Hospital. She had undergone a hip operation.

Miss Simmons joined the NAACP in the mid-1950s. Before moving here, she was associate director of branch and field services in the organization's headquarters in New York. Her duties there included supervising branches and field staff around the nation, membership activities and the youth and college division.

In Washington, Miss Simmons played a role in shaping policies and legislation in civil rights. She remained active in connection with the civil rights bill recently passed by Congress, although she had been hospitalized for four months.

Much of her most valuable work, however, was keeping track of policymakers in a quiet way. She described this in a speech at an NAACP regional banquet in Northern Virginia in 1979.

"It's not enough to just listen to the politicians at election time," she said, "Start monitoring how they vote. Often they will say something on the floor of the House or Senate just to get into the Congressional Record, but they vote just the opposite."

In 1989, she said it was necessary to keep up pressure on matters of concern to blacks and other minorities "because if you don't people will think the problem is solved."

And when L. Douglas Wilder was elected in Virginia last year, becoming the first black elected govern or, Miss Simmons said. "Black [candidates] have to appeal to both blacks and whites. . . . You have to tread a very tight line. . . . I don't think this means any great healing of tensions between races, but it's a breakthrough."

A resident of Washington, Miss Simmons was born in Shreveport, La. She graduated from Southern University and received a law degree from Howard University. She also studied marketing at the University of Illinois.

Her many honors included the President's Award of Washburn University, the Howard University Alumni Award for Postgraduate Achievement in Law and Public Service, the Gertude E. Rush Award of the National Bar Association, the Patricia Roberts Harris Award of Delta Sigma Theta Sorority and the National Trends and Services Award of Links, Inc.

Miss Simmons was a member of Asbury United Methodist Church in Washington, and she served on various committees of the United Methodist Church Board of Pensions. She was a member of the Delta Sigma Theta Sorority.

Survivors include a sister, Earldean V.S. Robbins of San Francisco.

## A REMARKABLE CAREER OF PUBLIC SERVICE

Mr. KENNEDY. Mr. President, it is an honor to congratulate Dr. Paul D. Parkman, who is retiring after 30 years of splendid service to public health. Those of us who have followed his accomplishments over his many years of Government service know that he exemplifies what is best about America. As an individual, and as a researcher, he has always combined intellectual brilliance with deep compassion for the afflicted. Now that he is retiring as the director of the center for biologics evaluation and research of the Food and Drug Administration, it is an appropriate time to honor this man's extraordinary accomplishments.

Paul Parkman is one of the giants of modern medicine. Through a variety of research and administrative positions at the Walter Reed Army Institute of Research, the National Institutes of Health, and the Food and Drug Administration, he has helped shaped the course of medical science. Whether as a researcher in the laboratory, or as the administrative head of one of the most influential scientific institutions in the world, Dr. Parkman has nurtured the development of new technologies that are revolutionizing medicine and the world.

Because of his modesty, Dr. Parkman has never sought the limelight. As a result, far too few people appreciate the contributions he has made to their health and welfare. Foremost among these contributions was his remarkable effort to eradicate the threat of rubella, often known as German measles. Although the rubella virus is relatively innocuous in most individuals infected by it, it has a devastating effect on children born to women who became infected while in the early stages of pregnancy. Children are born mentally retarded or deaf. Others have severe eye problems, heart disease, or a myriad of other debilitating health conditions.

Before the work of Dr. Parkman and his colleague, Dr. Harry M. Meyer, Jr., physicians were helpless in fighting the virus and the harm it brought. As a young pediatrician and virologist, Dr. Parkman dedicated himself to the eradication of rubella epidemics, and embarked on research to isolate the virus. Within a few years at Walter Reed's Institute of Research, he suc-

ceeded in isolating the rubella virus. Following this breakthrough, he joined Dr. Meyer at the National Institutes of Health in developing a rubella vaccine and the first widely used test to detect antibodies to the virus.

These brilliant advances effectively eliminated the threat that rubella posed to society. Within a few years following the development of the vaccine and test, rubella epidemics ceased. Thousands of children who otherwise would have been mentally or physically disabled as a result of rubella were spared and enabled to live healthy and productive lives. The true impact of Dr. Parkman's work has had on the lives of these children, their families and society is incalculable, as is the debt of gratitude the Nation and the world owe him.

Dr. Parkman has earned numerous awards during his illustrious career, including the most prestigious honors bestowed by the Department of Health and Human Services, the Public Health Service, and the Food and Drug Administration. In 1966, he received a letter of commendation from President Lyndon Johnson for his work.

Dr. Parkman has also received numerous awards from organization's such as United Cerebral Palsy Association, the Association of Retarded Citizens, the Food and Drug Institute, and Parent's magazine. I am proud to say that the Joseph P. Kennedy, Jr. Foundation, with which my family and I have had a long association, selected Dr. Parkman as one of its honorees in 1977.

It is interesting, but by no means surprising, to note that Mother Theresa of Calcutta was also a Kennedy Foundation's honoree that year. Although these two individuals come from dramatically different backgrounds and disciplines, Mother Theresa and Dr. Parkman share a commitment to bettering the lives of the less fortunate in the world. Both individuals, in their unique ways, have used their talents to the utmost of help humanity.

Dr. Parkman has not only used his ability as a researcher to help his fellow human beings, but has also used his considerable skill as an administrator to promote medical science and safeguard the Nation's health. As director of the Food and Drug Administration's Center for Biologics, Dr. Parkman has had primary responsibility for assuring the safety and efficacy of biological products used for the prevention, diagnosis, and treatment of disease. These include a vast number of variety of essential products such as blood components, vaccines, antibody tests for detecting infectious diseases, and genetically engineered agents for treating disease like AIDS and cancer.

Dr. Parkman has been at the cutting edge of medical science. Because of his leadership, the Food and Drug Administration is prepared to meet the unprecedented demands of biotechnology. The Government will miss him, but I am sure that he will continue to play a vital role in shaping the destiny of the Nation's health care and science policies for many years to come.

Dr. Parkman's achievements have been matched by few men or women, He created knowledge where there was only ignorance, and hope where there was hopelessness. Paul Parkman has made the world a better place, and I am proud to know him. I congratulate him on his outstanding career and service, and I wish him a long and happy and productive retirement.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## OLDER WORKERS BENEFIT PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the Senate will proceed to the consideration of S. 1511, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1511) 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 proposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Workers Benefit Protection Act".

### TITLE I—OLDER WORKERS BENEFIT PROTECTION

SEC. 101. FINDING.

The Congress finds that, as a result of the decision of the Supreme Court in Public Employees Retirement System of Ohio v. Betts, 109 S.Ct. 256 (1989), legislative action is necessary to restore the original congressional intent in passing and amending the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), which was to prohibit discrimination against older workers in all employee benefits except when aged-based reductions in employee benefit plans are justified by significant cost considerations.

SEC. 102. DEFINITION.

Section 11 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630) is amended by adding at the end the following new subsection:

"(l) The term 'compensation, terms, conditions, or privileges of employment' encompasses all employee benefits, including such benefits provided pursuant to a bona fide employee benefit plan.".

SEC. 103. LAWFUL EMPLOYMENT PRACTICES.

Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended—

(1) by striking subsection (f) and inserting the following new subsection:

"(f) It shall not be unlawful for an employer, employment agency, or labor organization to take any action otherwise prohibited under subsection (a), (b), (c), or (e)—

"(1) where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;

"(2)(A) to observe the terms of a bona fide seniority system that is not intended to evade the purposes of this Act, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by section 12(a) because of the age of such individual; or

"(B) to observe the terms of a bona fide employee benefit plan where, for each benefit or benefit package (as permissible under section 1625.10, title 29, Code of Federal Regulations, as in effect on June 22, 1989), the actual amount of payment made or cost incurred on behalf of an older worker is no less than that made or incurred on behalf of a younger worker, except that—

"(i) it shall not be unlawful to observe the terms of a bona fide voluntary early retirement incentive plan that furthers the purposes of this Act; and

"(ii) no such employee benefit plan or voluntary early retirement incentive plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a), because of the age of such individual; and

"(3) to discharge or otherwise discipline an individual for good cause.

An employer, employment agency, or labor organization acting under paragraphs (1) or (2) shall have the burden of proving that such actions are lawful in any civil enforcement proceeding brought under this Act.";

(2) by redesignating the second subsection (i) as subsection (j); and

(3) by adding at the end the following new subsections:

"(k) A seniority system or employee benefit plan shall comply with this Act regardless of the date of adoption of such system or plan.

"(l)(1) In the case of a defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(35))), it shall not be a violation of subsection (a), (b), (c), or (e) solely because the plan provides, on a permanent basis, for—

"(A) the attainment of a minimum age as a condition of eligibility for normal or early retirement benefits;

"(B) payments that constitute the subsidized portion of an early retirement benefit; or

"(C) social security supplements for plan participants that commence before the age and terminate at the age (specified by the plan) when participants are eligible to receive reduced or unreduced old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), and that

do not exceed such old-age insurance benefits.

"(2)(A) It shall not be a violation of subsection (a), (b), (c), or (e) solely because following a contingent event unrelated to age—

"(i) the value of any retiree health benefits received by an employee eligible for an immediate pension; and

"(ii) in any case in which retiree health benefits as described in clause (i) are provided, the value of any additional pension benefits that are made available solely as a result of the contingent event unrelated to age and that make the individual eligible for not less than an immediate and reduced pension,

are deducted from severance pay made available as a result of the contingent event unrelated to age.

"(B) For an employee who receives immediate pension benefits that are actuarially reduced under subparagraph (A)(i), the amount of the deduction available pursuant to subparagraph (A)(i) shall be reduced by the same percentage as the reduction in the pension benefits.

"(C) For purposes of this paragraph, severance pay shall include that portion of supplemental unemployment compensation benefits (as described in section 501(c)(17) of the Internal Revenue Code of 1986) that—

"(i) constitutes additional benefits of up to 52 weeks;

"(ii) has the primary purpose and effect of continuing benefits until an individual becomes eligible for an immediate and unreduced pension; and

"(iii) is discontinued once the individual becomes eligible for an immediate and unreduced pension.

"(D) For purposes of this paragraph, the term 'retiree health benefits' means benefits provided pursuant to a group health plan covering retirees, for which—

"(i) the package of benefits provided by the employer for the retirees who are below age 65 is at least comparable to benefits provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

"(ii) the package of benefits provided by the employer for the retirees who are age 65 and above is at least comparable to that offered under a plan that provides a benefit package with one-fourth the value of benefits provided under title XVIII of such Act.

"(E)(i) If the obligation of the employer to provide retiree health benefits is of limited duration, the value for each individual shall be calculated at a rate of $3,000 per year for benefit years before age 65, and $750 per year for benefit years beginning at age 65 and above.

"(ii) If the obligation of the employer to provide retiree health benefits is of unlimited duration, the value for each individual shall be calculated at a rate of $48,000 for individuals below age 65, and $24,000 for individuals age 65 and above.

"(iii) The values described in clauses (i) and (ii) shall be calculated based on the age of the individual as of the date of the contingent event unrelated to age. The values are effective on the date of enactment of this subsection, and shall be adjusted on an annual basis, with respect to a contingent event that occurs subsequent to the first year after the date of enactment of this subsection, based on the medical component of the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(iv) If an individual is required to pay a premium for retiree health benefits, the value calculated pursuant to this subparagraph shall be reduced by whatever percentage of the overall premium the individual is required to pay.

"(F) If an employer that has implemented a deduction pursuant to subparagraph (A) fails to fulfill the obligation described in subparagraph (E), any aggrieved individual may bring an action for specific performance of the obligation described in subparagraph (E). The relief shall be in addition to any other remedies provided under Federal or State law.".

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall become effective on the date of enactment of this Act.

(b) APPLICABILITY.—Except as provided in subsection (c), this title and the amendments made by this title shall apply to—

(1) all actions or proceedings brought under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) after June 23, 1989; and

(2) all actions or proceedings brought under such Act prior to June 23, 1989, that were pending on June 23, 1989.

(c) COLLECTIVELY BARGAINED AGREEMENTS.— With respect to any action or proceeding brought after June 23, 1989, pertaining to a collective bargaining agreement—

(1) that is in effect as of the date of enactment of this Act;

(2) that terminates after such date of enactment;

(3) any provision of which was entered into by a labor organization (as defined by section 6(d)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)); and

(4) that contains any provision that would be superseded by this title and the amendments made by this title, but for the operation of this section,

this title and the amendments made by this title shall not apply until the termination of such collective bargaining agreement or June 1, 1992, whichever occurs first.

## TITLE II—WAIVER OF RIGHTS OR CLAIMS

SEC. 201. WAIVER OF RIGHTS OR CLAIMS.

Section 7 of the Age Discrimination and Employment Act of 1967 (29 U.S.C. 626) is amended by adding at the end the following new subsection:

"(f)(1) An individual may not waive any right or claim under this Act unless the waiver is knowing and voluntary. Except as provided in paragraph (2), a waiver may not be considered knowing and voluntary unless at a minimum—

"(A) the waiver is part of a written agreement between the individual and the employer;

"(B) the waiver specifically refers to rights or claims arising under this Act;

"(C) the individual does not waive rights or claims that may arise after the date the waiver is executed;

"(D) the individual waives rights or claims only in exchange for consideration in addition to anything of value to which the individual already is entitled;

"(E) the individual is advised in writing to consult with an attorney prior to executing the agreement;

"(F)(i) the individual is given a period of at least 21 days within which to consider the agreement; or

"(ii) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the individual is given a period of at least 45 days within which to consider the agreement;

"(G) the agreement provides that for a period of at least 7 days following the execution of such agreement, the individual may revoke the agreement, and the agreement shall not become effective or enforceable until the revocation period has expired;

"(H) if a waiver is requested in connection with an exit incentive or other employment termination progam offered to a group or class of employees, the employer informs the individual in writing, at the commencement of the period specified in subparagraph (F), as to—

"(i) any class, unit, or group of employees covered by such program, any eligibility factors for such program, and any time limits applicable to such program;

"(ii) any demotion, termination, or other adverse action that the employer either knows or should know may occur if the individual declines to participate in such program, and the approximate date when such adverse action reasonably may be anticipated to take effect;

"(iii) the job titles and ages of all individuals eligible or selected for the program; and

"(iv) the job titles and ages of all individuals in the same plant, facility, or organizational unit who are not eligible or selected for the program; and

"(I) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the employer agrees to reimburse the employee for 80 percent of the fees and costs for services provided by the employee's attorney in connection with the waiver request up to an amount equivalent to a maximum for any individual employee of 10 hours at the attorney's usual hourly rate, and the employer so informs the individual as part of the advice required under subparagraph (E).

"(2) A waiver in settlement of a charge filed with the Equal Employment Opportunity Commission, or an action filed in court by the individual or the individual's representative, alleging age discrimination of a kind prohibited under section 4 or 15 may not be considered knowing any voluntary unless at a minimum—

"(A) subparagraphs (A) through (E) of paragraph (1) have been met; and

"(B) the individual is given a reasonable period of time within which to consider the settlement agreement.

"(3) In any dispute that may arise over whether any of the requirements, conditions, and circumstances set forth in paragraph (1) or (2) have been met, the party asserting the validity of a waiver shall have the burden of proving in a court of competent jurisdiction that a waiver was knowing and voluntary pursuant to paragraph (1) or (2).

"(4) No waiver agreement may affect the Commission's rights and responsibilities to enforce this Act. No waiver may be used to justify interfering with the protected right of an employee to file a charge or participate in an investigation or proceeding conducted by the Commission.".

SEC. 202. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendment made by section 201 shall become effective on the date of enactment of this Act.

(b) CONSIDERATION AND REVOCATION OF AGREEMENTS; EMPLOYMENT TERMINATION

PROGRAMS.—Subparagraphs (F) through (I) of section 7(f)(1), and all of section 7(f)(2), of the Age Discrimination and Employment Act of 1976 (as added by section 201 of this Act) shall apply only to waivers first offered or executed more than 60 days after the date of enactment of this Act.

(c) RULE ON WAIVERS.—Effective on the date of enactment of this Act, the rule on waivers issued by the Equal Employment Opportunity Commission and contained in section 1627.16(c) of title 29, Code of Federal Regulations, shall have no force and effect.

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Mr. METZENBAUM. Mr. President, on behalf of the Committee on Labor and Human Resources, and with the consent of the chairman, I send to the desk a modification of the committee substitute.

I advise the Chair and my colleagues that the majority of the members of the Committee on Labor and Human Resources have authorized me to present and make this modification.

The PRESIDING OFFICER. The Senator has the right to modify the committee amendment, and the amendment is therefore so modified.

The committee amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Workers Benefit Protection Act".

TITLE I—OLDER WORKERS BENEFIT PROTECTION

SEC. 101. FINDING.

The Congress finds that, as a result of the decision of the Supreme Court in *Public Employees Retirement System of Ohio v. Betts*, 109 S.Ct. 256 (1989), legislative action is necessary to restore the original congressional intent in passing and amending the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), which was to prohibit discrimination against older workers in all employee benefits except when age-based reductions in employee benefit plans are justified by significant cost considerations.

SEC. 102. DEFINITION.

Section 11 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630) is amended by adding at the end the following new subsection:

"(l) The term 'compensation, terms, conditions, or privileges of employment' encompasses all employee benefits, including such benefits provided pursuant to a bona fide employee benefit plan.".

SEC. 103. LAWFUL EMPLOYMENT PRACTICES.

Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended—

(1) by striking subsection (f) and inserting the following new subsection:

"(f) It shall not be unlawful for an employer, employment agency, or labor organization to take any action otherwise prohibited under subsection (a), (b), (c), or (e)—

"(1) where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;

"(2)(A) to observe the terms of a bona fide seniority system that is not intended to evade the purposes of this Act, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by section 12(a) because of the age of such individual; or

"(B) to observe the terms of a bona fide employee benefit plan—

"(i) where, for each benefit or benefit package, the actual amount of payment made or cost incurred on behalf of an older individual is no less than that made or incurred on behalf of a younger individual, as permissible under section 1625.10, title 29, Code of Federal Regulations (as in effect on June 22, 1989); or

"(ii) that is a voluntary early retirement incentive plan consistent with the purposes of this Act,

except that no such employee benefit plan or voluntary early retirement incentive plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a), because of the age of such individual; and

"(3) to discharge or otherwise discipline an individual for good cause.

An employer, employment agency, or labor organization acting under paragraphs (1) or (2) shall have the burden of proving that such actions are lawful in any civil enforcement proceeding brought under this Act.";

(2) by redesignating the second subsection (i) as subsection (j); and

(3) by adding at the end the following new subsections:

"(k) A seniority system or employee benefit plan shall comply with this Act regardless of the date of adoption of such system or plan.

"(l) Notwithstanding clause (i) or (ii) of subsection (f)(2)(B)—

"(1) It shall not be a violation of subsection (a), (b), (c), or (e) solely because—

"(A) an employee pension benefit plan (as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) provides for the attainment of a minimum age as a condition of eligibility for normal or early retirement benefits; or

"(B) a defined benefit plan (as defined in section 3(35) of such Act) provides for—

"(i) payments that constitute the subsidized portion of an early retirement benefit; or

"(ii) social security supplements for plan participants that commence before the age and terminate at the age (specified by the plan) when participants are eligible to receive reduced or unreduced old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), and that do not exceed such old-age insurance benefits.

"(2)(A) It shall not be a violation of subsection (a), (b), (c), or (e) solely because following a contingent event unrelated to age—

"(i) the value of any retiree health benefits received by an individual eligible for an immediate pension; and

"(ii) in any case in which retiree health benefits as described in clause (i) are provided, the value of any additional pension benefits that are made available solely as a result of the contingent event unrelated to age and that make the individual eligible for not less than an immediate and unreduced pension,

are deducted from severance pay made available as a result of the contingent event unrelated to age.

"(B) For an individual who receives immediate pension benefits that are actuarially reduced under subparagraph (A)(i), the amount of the deduction available pursuant to subparagraph (A)(i) shall be reduced by the same percentage as the reduction in the pension benefits.

"(C) For purposes of this paragraph, severance pay shall include that portion of supplemental unemployment compensation benefits (as described in section 501(c)(17) of the Internal Revenue Code of 1986) that—

"(i) constitutes additional benefits of up to 52 weeks;

"(ii) has the primary purpose and effect of continuing benefits until an individual becomes eligible for an immediate and unreduced pension; and

"(iii) is discontinued once the individual becomes eligible for an immediate and unreduced pension.

"(D) For purposes of this paragraph, the term 'retiree health benefits' means benefits provided pursuant to a group health plan covering retirees, for which (determined as of the contingent event unrelated to age)—

"(i) the package of benefits provided by the employer for the retirees who are below age 65 is at least comparable to benefits provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

"(ii) the package of benefits provided by the employer for the retirees who are age 65 and above is at least comparable to that offered under a plan that provides a benefit package with one-fourth the value of benefits provided under title XVIII of such Act.

"(E)(i) If the obligation of the employer to provide retiree health benefits is of limited duration, the value for each individual shall be calculated at a rate of $3,000 per year for benefit years before age 65, and $750 per year for benefit years beginning at age 65 and above.

"(ii) If the obligation of the employer to provide retiree health benefits is of unlimited duration, the value for each individual shall be calculated at a rate of $48,000 for individuals below age 65, and $24,000 for individuals age 65 and above.

"(iii) The values described in clauses (i) and (ii) shall be calculated based on the age of the individual as of the date of the contingent event unrelated to age. The values are effective on the date of enactment of this subsection, and shall be adjusted on an annual basis, with respect to a contingent event that occurs subsequent to the first year after the date of enactment of this subsection, based on the medical component of the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(iv) If an individual is required to pay a premium for retiree health benefits, the value calculated pursuant to this subparagraph shall be reduced by whatever percent-

age of the overall premium the individual is required to pay.

"(F) If an employer that has implemented a deduction pursuant to subparagraph (A) fails to fulfill the obligation described in subparagraph (E), any aggrieved individual may bring an action for specific performance of the obligation described in subparagraph (E). The relief shall be in addition to any other remedies provided under Federal or State law.

"(3) It shall not be a violation of subsection (a), (b), (c), or (e) solely because an employer provides a bona fide employee benefit plan or plans under which long-term disability benefits received by an individual are reduced by any pension benefits paid to the individual that the individual voluntarily elects to receive.".

SEC. 104. RULES AND REGULATIONS.

Notwithstanding section 9 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 628), the Equal Employment Opportunity Commission may issue such rules and regulations as the Commission may consider necessary or appropriate for carrying out this title, and the amendments made by this title, only after consultation with the Secretary of the Treasury and the Secretary of Labor.

SEC. 105. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall apply only to—

(1) any employee benefit established or modified on or after the date of enactment of this Act; and

(2) other conduct occurring more than 60 days after the date of enactment of this Act.

(b) COLLECTIVELY BARGAINED AGREEMENTS.—With respect to any employee benefits provided in accordance with a collective bargaining agreement—

(1) that is in effect as of the date of enactment of this Act;

(2) that terminates after such date of enactment;

(3) any provision of which was entered into by a labor organization (as defined by section 6(d)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)); and

(4) that contains any provision that would be superseded (in whole or part) by this title and the amendments made by this title, but for the operation of this section,

this title and the amendments made by this title shall not apply until the termination of such collective bargaining agreement or June 1, 1992, whichever occurs first.

(c) STATES AND POLITICAL SUBDIVISIONS.—

(1) IN GENERAL.—With respect to any employee benefits provided by an employer—

(A) that is a State or political subdivision of a State or any agency or instrumentality of a State or political subdivision of a State; and

(B) that maintained an employee benefit plan at any time between June 23, 1989, and the date of enactment of this Act that would be superseded (in whole or part) by this title and the amendments made by this title but for the operation of this subsection, and which plan may be modified only through a change in applicable State or local law,

this title and the amendments made by this title shall not apply until the date that is 2 years after the date of enactment of this Act.

(2) ELECTION OF DISABILITY COVERAGE FOR EMPLOYEES HIRED PRIOR TO EFFECTIVE DATE.—

(A) IN GENERAL.—An employer that maintains a plan described in paragraph (1)(B) may, with regard to disability benefits provided pursuant to such a plan—

(i) following reasonable notice to all employees, establish new disability benefits that satisfy the requirements of the Age Discrimination in Employment Act of 1967 (as amended by this title); and

(ii) then offer to each employee covered by a plan described in paragraph (1)(B) the option to elect such new disability benefits in lieu of the existing disability benefits, if—

(I) the offer is made and reasonable notice provided no later than the date that is 2 years after the date of enactment of this Act; and

(II) the employee is given up to 180 days after the offer in which to make the election.

(B) PREVIOUS DISABILITY BENEFITS.—If the employee does not elect to be covered by the new disability benefits, the employer may continue to cover the employee under the previous disability benefits even though such previous benefits do not otherwise satisfy the requirements of the Age Discrimination in Employment Act of 1967 (as amended by this title).

(C) ABROGATION OF RIGHT TO RECEIVE BENEFITS.—An election of coverage under the new disability benefits shall abrogate any right the electing employee may have had to receive existing disability benefits. The employee shall maintain any years of service accumulated for purposes of determining eligibility for the new benefits.

(3) STATE ASSISTANCE.—The Equal Employment Opportunity Commission, the Secretary of Labor, and the Secretary of the Treasury shall, on request, provide to States assistance in identifying and securing independent technical advice to assist in complying with this subsection.

(4) DEFINITIONS.—For purposes of this subsection:

(A) EMPLOYER AND STATE.—The terms "employer" and "State" shall have the respective meanings provided such terms under subsections (b) and (i) of section 11 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630).

(B) DISABILITY BENEFITS.—The term 'disability benefits' means any program for employees of a State or political subdivision of a State that provides long-term disability benefits, whether on an insured basis in a separate employee benefit plan or as part of an employee pension benefit plan.

(C) REASONABLE NOTICE.—The term "reasonable notice" means, with respect to notice of new disability benefits described in paragraph (2)(A) that is given to each employee, notice that—

(i) is sufficiently accurate and comprehensive to appraise the employee of the terms and conditions of the disability benefits, including whether the employee is immediately eligible for such benefits; and

(ii) is written in a manner calculated to be understood by the average employee eligible to participate.

(d) DISCRIMINATION IN EMPLOYEE PENSION BENEFIT PLANS.—Nothing in this title, or the amendments made by this title, shall be construed as limiting the prohibitions against discrimination that are set forth in section 4(j) of the Age Discrimination and Employment Act of 1967 (as redesignated by section 103(2) of this Act).

TITLE II—WAIVER OF RIGHTS OR CLAIMS

SEC. 201. WAIVER OF RIGHTS OR CLAIMS.

Section 7 of the Age Discrimination and Employment Act of 1967 (29 U.S.C. 626) is amended by adding at the end the following new subsection:

"(f)(1) An individual may not waive any right or claim under this Act unless the waiver is knowing and voluntary. Except as provided in paragraph (2), a waiver may not be considered knowing and voluntary unless at a minimum—

"(A) the waiver is part of an agreement between the individual and the employer that is written in a manner calculated to be understood by such individual, or by the average individual eligible to participate;

"(B) the waiver specifically refers to rights or claims arising under this Act;

"(C) the individual does not waive rights or claims that may arise after the date the waiver is executed;

"(D) the individual waives rights or claims only in exchange for consideration in addition to anything of value to which the individual already is entitled;

"(E) the individual is advised in writing to consult with an attorney prior to executing the agreement;

"(F)(i) the individual is given a period of at least 21 days within which to consider the agreement; or

"(ii) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the individual is given a period of at least 45 days within which to consider the agreement;

"(G) the agreement provides that for a period of at least 7 days following the execution of such agreement, the individual may revoke the agreement, and the agreement shall not become effective or enforceable until the revocation period has expired;

"(H) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the employer (at the commencement of the period specified in subparagraph (F)) informs the individual in writing in a manner calculated to be understood by the average individual eligible to participate, as to—

"(i) any class, unit, or group of individuals covered by such program, any eligibility factors for such program, and any time limits applicable to such program; and

"(ii) the job titles and ages of all individuals eligible or selected for the program, and the ages of all individuals in the same job classification or organizational unit who are not eligible or selected for the program.

"(2) A waiver in settlement of a charge filed with the Equal Employment Opportunity Commission, or an action filed in court by the individual or the individual's representative, alleging age discrimination of a kind prohibited under section 4 or 15 may not be considered knowing and voluntary unless at a minimum—

"(A) subparagraphs (A) through (E) of paragraph (1) have been met; and

"(B) the individual is given a reasonable period of time within which to consider the settlement agreement.

"(3) In any dispute that may arise over whether any of the requirements, conditions, and circumstances set forth in paragraph (1) or (2) have been met, the party asserting the validity of a waiver shall have the burden of proving in a court of competent jurisdiction that a waiver was knowing and voluntary pursuant to paragraph (1) or (2).

"(4) No waiver agreement may affect the Commission's rights and responsibilities to enforce this Act. No waiver may be used to justify interfering with the protected right of an employee to file a charge or partici-

pate in an investigation or proceeding conducted by the Commission.".

SEC. 202. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by section 201 shall not apply with respect to waivers that occur before the date of enactment of this Act.

(b) RULE ON WAIVERS.—Effective on the date of enactment of this Act, the rule on waivers issued by the Equal Employment Opportunity Commission and contained in section 1627.16(c) of title 29, Code of Federal Regulations, shall have no force and effect.

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Mr. METZENBAUM. Mr. President, am I correct in stating that the committee reported substitute, as modified, is now pending before the Senate and considered original text for the purposes of further amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. I want to advise my colleagues that the modification we have made is amendment No. 2666, which appeared in the CONGRESSIONAL RECORD last Friday at page S13217.

Mr. President, I am proud to be an original cosponsor and strong supporter, along with Senators PRYOR, HEINZ, and JEFFORDS, of S. 1511, the Older Workers Benefit Protection Act. We are joined by more than 40 other Senators as sponsors, and more Senators whom I know are supportive of this critical legislation.

I want to commend Senator PRYOR for his leadership on this bill, and his commitment to protect millions of older Americans against the scourge of employment discrimination. The Age Discrimination in Employment Act [ADEA] is this Nation's fundamental law safeguarding the civil rights of older Americans in the workplace. The notion that the ADEA permits employers to discriminate intentionally against older workers by denying them basic employee benefits solely on the basis of their age seems preposterous. But in June of last year, in the now-infamous case called Public Employees Retirement System of Ohio versus Betts, the Supreme Court interpreted the ADEA to permit precisely this type of arbitrary age discrimination.

The Betts decision was profoundly wrong. The Supreme Court callously disregarded the wishes of Congress, and recklessly turned its back on the regulations enforced by six Presidential administrations over the past 20 years. The Court's decision also runs counter to the judgment of virtually every lower court that has considered the issue. Moreover, the Court flatly rejected the position taken by the Bush administration's own Justice Department.

We should have no illusions here. The discrimination we are talking about is direct, deliberate, and devastating. June Betts was a speech pathologist in Hamilton County, OH. At age 61, she became disabled with Alzheimer's disease, but she was denied disability retirement solely because she was above the age of 60. June Betts entered the work force at an advanced age, as do millions of women who raise families before taking on additional career responsibilities. Because she was not a long-term employee, her retirement benefits based on age and service were only $158.50 a month. Had she received a disability pension, as every worker who became disabled at age 60 or below received, she would have had an additional $200 per month. She is now destitute in a nursing home, about to go on Medicaid.

What happened to June Betts was a tragedy and a disgrace. A woman who worked as hard as she could for as long as she could has been made a second-class citizen solely because of her age.

But what happened to June Betts is not unique. Take the case of Harry Sousa, a rubberworker from Rhode Island, who spoke eloquently of his plight during the Senate hearings last fall. Mr. Sousa lost his job in a plant shutdown. After more than 30 years on the job, he was entitled to almost 2 years severance pay. But Sousa was denied $33,000 in severance solely because his age made him eligible for retirement. How absurd can we be? How absurd can we get?

Every day, older workers, many of whom are the most loyal, most experienced and most dedicated workers on the job, are the victims of inexcusable discrimination simply because of their age. The Older Workers Benefit Protection Act will make clear once and for all that June Betts, Harry Soura, and millions like them may not be treated as second-class citizens.

A summary of the act describes its three main features in some depth. I ask unanimous consent that the summary be included in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, I am pleased that the bill as reported from the Labor and Human Resources Committee has the strong support of the American Association of Retired Persons, the Older Women's League, the National Council on Senior Citizens, the Leadership Council of Aging Organizations, and numerous other senior citizen groups. Also expressing support for S. 1511 are the AFL-CIO, the United Autoworkers, the United Steelworkers, AFSCME, the Service Employees, and other labor organizations.

At the same time, Mr. President, I am sad to say that the White House currently opposes this bill. That opposition is of ominously recent vintage.

For the past 8 years, the Reagan administration supported older workers by prosecuting employers who violated the equal benefit equal cost rule. The Bush administration began on the right foot, by arguing on behalf of Mrs. Betts in the Supreme Court last year. The EEOC then worked with Members of Congress to craft a bill that would overturn the Betts decision. The EEOC testified that it would support the bill if we made one change. We made that change, exactly as the administration asked us to. We also made other changes, but every one was a change favoring employers, a concession to employer's stated desire for greater flexibility.

Then in March, the Bush White House—the White House that talks about a kinder, gentler nation—announced that it opposed the bill that was to help the senior citizens of this country. The letter was shocking because it rejected or questioned positions previously taken by the Bush Justice Department and the Bush EEOC. I want to emphasize this fact. Last year, the Bush administration argued on behalf of June Betts in the Supreme Court. The administration argued that the equal cost-equal benefit rule was precisely what Congress intented in the ADEA, and was correct as a matter of public policy. Now, the administration takes a 180-degree turn, and takes a position diametrically opposed to the position they took in the Court.

I ask unanimous consent that the Bush administration's brief to the Supreme Court in the Betts case be printed in its entirely at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. METZENBAUM. Mr. President, there has been no acknowledgment of this blatant about face. As a matter of fact, Mr. President, I am frank to say to you, I do not believe the President of the United States is aware of what has gone on. I cannot believe that this President has done a 100 percent turn around. I believe that some of those who are the men who are domestic policy leaders, and the so-called this and that, are the ones who caused the turn around. My guess is the President does not know about it, and at some point they will come a long and say you have to veto the bill. I cannot believe that the President himself has made this turn about with respect to the senior citizens of this country.

I cannot recall a situation in which an administration has walked away from its own position in the Supreme Court and then repudiated its own testimony before the House and the Senate.

This happened within the space of a few months. Now they want to pretend that there has been no change. I want the American people to know; I want millions of older workers of this country to know. This is the administration that has really been talking about making things better, making things gentler, kinder, for the people of this country. And now I cannot believe, and am not willing to believe, that this same administration wants to abandon the senior citizens of this country. Ronald Reagan was not known as a stalward protector of civil rights for the downtrodden or disadvantaged, but this White House wants to take away civil rights that even the Reagan White House fought to protect.

What has happened is clear. A few corporate lobbyists, well-heeled, well-paid lobbyists, have bent the ear of the White House staff; they have urged that American business be given the freedom to discriminate in the name of "employer flexibility." I do not believe that those lobbyists speak for the great body of American employers in this country. I do not believe that they speak for more than a handful, but they have the ear of some of the policymakers in the White House.

As a consequence, this administration seems ready to abandon civil rights, to jettison equal treatment, to sanction blatant discrimination. Somehow, because it is only age discrimination, because it involves difficult pension issues, because it is complex, these White House bureaucrats are saying no to employee benefit protection.

Make no mistake, there are complex aspects to this legislation; I recognize that. There were complex aspects to the ADEA when we first enacted the law. There were complex aspects to the recently enacted plant closing law, and to the 1990 Civil Rights Act, which we will enact in the near future. But complexity is no excuse for discrimination. Complexity should not justify inaction. Complexity must not become a cloak for hyprocrisy.

I cannot believe there is this kind of insensitivity in the Bush administration. Carolyn Betts could not believe it either. She wrote to President Bush on May 9, pleading for support on her mother's behalf. These are her words:

> Please once again support this bill, for the same reasons you supported it before: older workers, like June Betts, deserve to be treated fairly and honestly in all aspects of their employment and deserve the benefits they have earned.

I ask unanimous consent that the full text of her letter be printed at the conclusion of my statement.

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

(See exhibit 3.)

Mr. METZENBAUM. Carolyn Betts has received no response, regrettably. She wants to believe that the President of the United States has been given bad advice, that if he just knew what was going on, he would do the right thing and restore the civil rights of millions of older Americans.

Well, I say to you, Mr. President, now is your chance. The American people are watching. Older Americans are watching. Will you agree that workplace protection for millions of older Americans must be restored immediately? We hope so, Mr. President. We certainly hope so.

Mr. HATCH. Mr. President, in addition to my concerns about the substance of this bill and its several substitute amendments, I want to express my consternation over the process that has been employed for its consideration by the Senate.

I do not question the sincerity of my colleagues who are the sponsors of this legislation, Senators PRYOR, METZENBAUM, and HEINZ, who have worked diligently to achieve an appropriate solution in this area. I share their interest in addressing the central issue in the Betts decision.

I agree that we need to ensure that older workers are protected against arbitrary age discrimination in employee benefits. I agree with that. Senator KASSEBAUM and I have proposed legislation which closes this gap in current law. Our bill, S. 2831, would correct the Supreme Court's decision in Betts, and it would do it appropriately.

Let me make it clear to all of my colleagues at the outset that I want to have a bill.

What I am unwilling to accept, however, is a bill that discourages and disrupts bona fide employee benefit arrangements that Congress ought to be encouraging. We ought to be protecting these benefits for the sake of all workers in this country, including our older workers.

Nor am I willing to support a bill that costs State and local governments tens of millions of dollars, and some estimate as high as better than one-half billion dollars, at a time when we are all suffering from budget problems, just to have more rules and regulation from the Federal Government.

But the proponents of S. 1511 are today asking that the Senate proceed on a bill which, at least to my knowledge, the vast majority of Senators have barely had enough time to read, let alone analyze. My staff received the latest version—at least I think it is the latest—Friday afternoon at about 4 p.m.

In just the past week, we have been provided with three versions of a substitute amendment. Before last week, of course, there had been two substantially different versions of the bill.

What is before us today, unless I have lost count, is version five of S. 1511. Thus, we are being asked to accept that, having gotten it wrong on tries one, two, three, and four, the proponents finally got it right in version five. Unfortunately, that just is not the case.

I, for one, cannot blindly accept, without any time for comment and analysis by affected parties, that they have adequately corrected the flaws we have identified in the previous incarnations of this bill.

I know that the proponents will accuse me of trying to delay action on the bill first introduced 13 months ago.

Senator METZENBAUM has already criticized me in a CONGRESSIONAL RECORD statement for my unwillingness to "take risks" in the effort that he and I had undertaken to try to resolve this issue. Well, I plead guilty as charged.

As much as I would like to achieve a satisfactory resolution of this issue, Senator METZENBAUM is correct. I am reluctant to take risks with people's future. I am reluctant to take risks with senior citizens and with those who I think will be hurt by this bill. I am reluctant to take risks with all the employees who probably will be hurt by the way this present substitute is written, even though there have been some changes.

I am unwilling to risk the viability of employee disability benefits. I am unwilling to risk employee severance or early retirement payments.

I am unwilling to risk the principle of collective bargaining or the integrity of collective bargaining of benefit plans. I am unwilling to jeopardize the early retirement incentive plans that are attractive to many older working Americans and to the businesses that offer them.

I am unwilling to impose tens of millions, if not hundreds of millions, of dollars worth of compliance costs on State and local governments, whose only recourse will be to raise taxes and cut benefits. That is what it comes down to. If this bill is passed, they are going to have to raise taxes or cut benefits, because we want to change the law that will not be beneficial to begin with.

The stakes here are too high, and we need more debate on this bill, not less. This is an extraordinarily complex and technical issue. We all have an obligation to try to understand the details and the consequence of what we are doing here. This is an important set of issues. I do not think it is unreasonable to want sufficient time to review

and consider revised versions of the bill.

EXHIBIT 1

SUMMARY OF S. 1511—THREE MAIN FEATURES

There are three main aspects to this legislation. *First*, the bill restores the bipartisan pre-*Betts* understanding of the employee benefit provisions of the ADEA. It does so by reaffirming the "equal benefit or equal cost" principle, a principle that reflects common sense as well as Congressional intent. An employer must provide older workers with benefits at least equal to those provided for younger workers, unless the employer can prove that the cost of providing an equal benefit is greater for an older worker than for a younger one. Because age-related cost differences do exist for some benefits (such as life insurance or disability), employers who demonstrate such a cost differential may comply with the ADEA by expending equal amounts for the benefit per employee. This "equal benefit or equal cost" rule is fair to employees because it encourages employers to provide equal benefits for older workers. It also is fair to employers because it gives them the flexibility to provide unequal benefits if they have sufficient age-based cost justifications.

As part of restoring the bipartisan pre-*Betts* understanding of the ADEA, the bill makes clear that all benefit plans are covered by the Act, including plans that were established prior to the passage of the ADEA in 1967. We do not approve of racially discriminatory practices implemented prior to the 1964 Civil Rights Act; similarly, there is no reason to sanction age discrimination simply because it has been around for decades.

The second major theme of this bill is the flexibility given to employer practices in the area of early retirement. At the request of the Bush Administration, we have clarified that early retirement incentive practices that are truly voluntary and that are consistent with the purposes of the ADEA are lawful regardless of whether they satisfy the "equal benefit or equal cost" principle. This clarification adopts verbatim language recommended by the Bush Administration in its letter to the House this past March.

In addition, at the request of unions and employers, we have added "safe harbor" provisions protecting certain broadly used retirement practices. These practices are (1) the use of pension supplements known as "Social Security bridge payments"; and (2) the use of subsidized early retirement benefits. Moreover, we have allowed employers that offer retiree health benefits to offset severance payments by the value of the retiree health benefits. These various safe harbor provisions give employers additional flexibility in benefits planning, including some options that were not available to them under pre-Betts law.

The third and final major theme of the legislation is to assure that older workers will not be coerced or manipulated into waiving their rights as a condition of participating in an exit incentive or other group termination program. The assurance is provided through certain requirements that must be met before older workers lawfully may waive their rights under the ADEA. The most important requirements are that older workers have adequate information about the exit incentive program and that they have the option to seek legal advice as to whether they should waive their rights.

EXHIBIT 2

[In the Supreme Court of the United States, October Term, 1988—No. 88-389]

PUBLIC EMPLOYEES RETIREMENT SYSTEM OHIO, APPELLANT *v.* JUNE M. BETTS

*On Appeal From the United States Court of Appeals for the Sixth Circuit*

Brief for the Equal Employment Opportunity Commission as Amicus Curiae Supporting Appellee

INTEREST OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 et seq., generally proscribes discrimination against employees age 40 and older. This case involves the meaning of Section 4(f)(2) of the Act, 29 U.S.C. 623(f)(2), which authorizes employers to observe the terms of employee benefits plans in certain circumstances even though older employees are disadvantaged as a result. The Equal Employment Opportunity Commission (EEOC) enforces the ADEA (29 U.S.C. 626) and has issued regulations concerning the meaning of the exception at issue (29 C.F.R. 1625.10). Accordingly, the EEOC has a substantial interest in the resolution of the question presented.[1]

STATEMENT

Appellee June Betts was hired by the Hamilton County, Ohio, Board of Mental Retardation and Developmental Disabilities in 1978 at age 55. In 1985, when she was 61, Bett's employer determined that she could no longer perform her job for medical reasons and informed her that she could either retire or be placed on medical leave with no pay and no medical benefits. J.S. App. A23. Had she been under 60, she would have had a third option: disability retirement. That option was foreclosed to her, however, because of a provision in Ohio's pension law preventing persons over 60 from receiving disability pensions and allowing them to receive only regular age retirement pensions. Betts chose to retire and is currently receiving retirements benefits of $158.50 per month (*id.*)[2]

The district court concluded that appellant, the Public Employees Retirement System of Ohio (PERS), had impermissibly discriminated against Betts because of her age. Section 4(a)(1) of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 623(a)(1), provides that "[i]t shall be unlawful for an employer to * * * discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." The Ohio employee benefit plan, the court stated, is contrary to Section 4(a)(1) because "[o]n its face and in its effect, the disability retirement plan denies benefits to certain employees because they are sixty years of age or older." J.S. App. A23.

The district court rejected PERS' claim that its age-based denial of disability benefits was protected under Section 4(f)(2) of the ADEA, 29 U.S.C. 623(f)(2), which provides that "[i]t shall not be unlawful for an employer * * * to observe the terms of * * * any bona fide employer benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of" the Act. The court agreed with the EEOC's interpretative regulation, which construes this provision to "'permit age-based reductions in employee benefit plans where such reductions are justified by significant cost considerations.'" J.S. App. A28, quoting 29 C.F.R. 860.120(a)(1) (1969) (curently designated 29 C.F.R. 1625.10(a)(1)). Here, the court concluded, the discrimination "is not justified by signficant cost considerations and therefore, it is not the type of plan contemplated by the exception." J.S. App. A29.[3]

A divided court of appeals affirmed. J.S. App. A2-A19. It agreed with the Seventh Circuit that "'where, as in the present case, the employer uses age—not cost, or years of service, or salary—as the basis for varying retirement benefits, he had better be able to prove a close correlation between age and cost if he wants to shelter in the safe harbor of'" Section 4(f)(2). J.S. App. A5, quoting *Karlen* v. *City Colleges of Chicago*, 837 F. 2d 314, 319 (7th Cir.), cert. denied, No. 87-1831 (June 6, 1988). Here, the court concluded, "[d]espite having every opportunity, the defendants declined to introduce any cost figures or other economic justification for the different treatment of employees over sixty." J.S. App. A6.

SUMMARY OF ARGUMENT

PERS discriminated against Betts on account of her age, as she would receive more than double the amount of the benefits she currently receives if she had become disabled before, rather than after, turning 60. It is undisputed that, in the absence of Section 4(f)(2), PERS would be liable under Section 4(a)(1) of the ADEA.

From the time of the enactment of the ADEA to the present, the two federal agencies that have administered the Act have consistently interpreted Section 4(f)(2) as requiring some sort of cost justification in order to permit an employer to avoid a charge of discrimination. 29 C.F.R. 860.120(b) (1969) (34 Fed. Reg. 9709 (1969)) (Department of Labor regulation); 29 C.F.R 1625.10(a)(1) (current EEOC regulation). That construction is fully consistent with the language of the provision. In enacting Section 49(f)(2), Congress meant to shield employee benefit plans that disadvantage older employees only where employers present reasonable economic justifications for doing so. This conclusion draws support from Congress' use of the phrase "such as a retirement, pension, or insurance plan." The thread common to those sorts of plans is that they entail costs that typically increase as employees age. *EEOC* v. *Westinghouse Electric Corp.*, 725 F.2d 211 (3d Cir.), cert, denied, 469 U.S. 820 (1984); *EEOC* v. *Borden's, Inc.*, 724 F.2d 1390 (9th Cir. 1984). Alternatively, the cost-justification rule can be derived from the requirement that a plan

[1] This case does not affect the Federal Government as an employer, because under 29 U.S.C. 630(b) it is not an "employer" for purposes of the statutory provision at issue. A separate self-contained section of the ADEA, 29 U.S.C. 633a, governs federal agencies *Lehman* v. *Makshian*, 453 U.S. 156, 168 (1980).

[2] The difference between ordinary retirement benefits and disability retirement benefits in Bett's case comes about because of a provision added to Ohio Rev. Code Ann. § 145.36 (Anderson 1982 & Supp. 1987) in 1976, which states that "[i]n no case shall a disability retirement benefit be less than thirty per cent * * * of [an employee's] final average salary."

[3] The district court also concluded that because Betts was disqualified from obtaining disability benefits she had been forced to retire involuntarily. The court therefore held that PERS had violated Section 4(f)(2)'s proscription against "requir[ing] or permitt[ing] the involuntary retirement of any individual * * * because of the age of such individual." J.S. App. A30-A32. The court of appeals did not address that conclusion.

not serve a "a subterfuge to evade the purposes of" the Act. One purpose of the ADEA is to abolish arbitary discrimination against older employees, i.e., discrimination that has no foundation in legitimate cost differences between older and younger employees. *EEOC* v. *City of Mt. Lebanon*, 842 F.2d 1480 (3d Cir. 1988), *Cipriano* v. *Board of Education*, 785 F.2d 51 (2d Cir. 1986).

The legislative history also supports the conclusion that employers must provide an economic justification before they may discriminate against older employees in the provision of an employee benefit. Senator Javits, who introduced the amendment that became Section 4(f)(2), explained at the time he introduced it that it was intended to allow employers to provide different benefits to older employees "because of the often extremely high cost of providing certain types of benefits to older workers." 113 Cong. Rec. 31,254-31,255 (1967), reprinted in U.S. Equal Employment Opportunity Commission, Legislative History of the Age Discrimination in Employment Act 145-146 (1981). Since the exception was intended to authorize employers to grant lesser benefits to older employees where benefits are more costly to provide to those employees, it is sensible to require employers to provide a cost justification for their discrimination in order to invoke Section 4(f)(2).

The courts below correctly concluded that PERS is not shielded by Section 4(f)(2) because it has offered no economic justification whatever to explain why persons who become disabled before age 60 are entitled to greater benefits than employees who become disabled after turning 60. PERS argues that it need not offer any justification for its discriminatory treatment because Congress intended to allow employers to discriminate in the provision of employee benefits as long as the discrimination is not a cover for forcing older employees to retire. But neither the language of the statute nor its legislative history provides support for the contention that Congress intended to grant employers the right to discriminate arbitrarily in the provision of employee benefits except in that limited circumstance. Finally, there is no merit to PERS' suggestion that its plan is protected because it was established prior to the enactment of the ADEA, since the discriminatory provision at issue was added in 1976, after the ADEA took effect.

ARGUMENT

OHIO'S PUBLIC EMPLOYEES RETIREMENT SYSTEM VIOLATED THE AGE DISCRIMINATION IN EMPLOYMENT ACT BY DISQUALIFYING BETTS FROM RECEIVING DISABILITY BENEFITS SOLELY ON ACCOUNT OF HER AGE SINCE IT PROVED NO ECONOMIC JUSTIFICATION FOR ITS DISCRIMINATORY TREATMENT

A. The Public Employees Retirement System Discriminated Against Betts By Denying Her Disability Benefits

The Ohio statute at issue, Ohio Rev. Code Ann. § 145.35 (Anderson 1982 & Supp. 1987), is discriminatory on its face, as it provides that only employees who have "not attained age sixty" may apply for disability benefits. The statute thus conflicts with Section 4(a)(1) of the ADEA, 29 U.S.C. 623(a)(1), which makes it unlawful for employers to "discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of the individual's age." There is no question that the application of Section 145.35 had a discriminatory effect here, since the monthly retirement benefit that Betts initially received was less than half of the amount of the disability benefit that she would have received if she had not been barred from applying for those benefits. Indeed, under the Ohio Public Employees Retirement System a recipient of disability benefits does not cease to receive those benefits after reaching age 60; consequently, if Betts had become eligible to obtain disability benefits at age 59, she would continue to receive at least 30 percent of her salary after she turned 60 rather than the lesser retirement benefit that she receives instead. In short, an employee disabled before age 60 is treated significantly differently than an employee disabled after age 60 even if the younger and older employees have identical years of service, identical disabilities, and identical salaries. Thus, this case involves disparate treatment of an employee on account of her age.

B. The EEOC's Regulations Properly Interpret Section 4(f)(2) To Shelter Provisions In Employee Benefit Plans Reducing The Amount Of Benefits Paid To Older Employees Only Where Economic Considerations Justify Such Treatment

The dispositive question is whether the disparate treatment afforded Betts under Ohio law is protected under Section 4(f)(2), which authorizes an employer to observe the terms of "any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of" the Act. The federal agencies charged with enforcement of the ADEA have long construed this provision to permit age-based differentials in employees benefits only where such differences are justified by significant cost considerations. That construction is consistent with both the language of Section 4(2)(f) and its purposes, as revealed by the legislative history. The lower courts therefore correctly ruled that PERS may not rely on Section 4(f)(2) unless it can demonstrate a significant cost justification for its refusal to extend disability retirement benefits to persons over age 60.

1. Shortly after the enactment of the ADEA in 1967, the Department of Labor, which originally administered the Act, issued an interpretation of Section 4(f)(2). That interpretation allowed employers to discriminate against older employees in the provision of employee benefits where the cost of such benefits was more expensive for older employees. It stated: "[A]n employer may provide lesser amounts of insurance coverage under a group insurance plan to older workers than he does younger workers, where the plan is not a subterfuge to evade the purposes of the Act. A retirement, pension, or insurance plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of pension or retirement benefits or insurance coverage." 29 C.F.R. 860.120(a) (1969); 34 Fed. Reg. 9709 (1969). Thus, as the Department understood Section 4(f)(2) shortly after its enactment, it permitted, for example, employers to contribute $100 annually towards the purchase of term life insurance for all employees, even though $100 would buy twice as much coverage for a 35-year-old employee as it would for a 55-year-old employee.

The Department also understood that Section 4(f)(2) did not authorize discrimination against older employees with respect to benefits that were not more costly to provide older employees. Noting that "[n]ot all employee benefit plans but only those similar to the kind enumerated in section 4(f)(2) of the Act come within this provision," the Department opined that in the normal case Section 4(f)(2) would not shield discrimination against older employees under the terms of profit-sharing plans. 29 C.F.R. 860.120(b) (1969); 34 Fed. Reg. 9709 (1969). Thus, in the Department's view, by the phrase "employee benefit plan such as a retirement, pension, or insurance plan" in Section 4(f)(2) Congress limited the exception to plans where the cost of providing benefits increases as employees age.

In 1979, the responsibility for enforcing the ADEA was transferred from the Department of Labor to the EEOC. Reorg. Plan No. 1 of 1978, 3 C.F.R. 321 (1978). The EEOC adopted the Department of Labor's interpretation of Section 4(f)(2). The current EEOC regulations state that "its purpose is to permit age-based reductions in employee benefit plans where such reductions are justified by significant cost consideration." 29 C.F.R. 1625.10(a)(1). Like the Department of Labor's 1969 regulations, the EEOC's regulations provide that "[a] benefit plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of benefits or insurance coverage" (ibid.).

Thus, the agencies responsible for administering the ADEA have consistently agreed—from the time of its enactment more than twenty years ago to the present—that Section 4(f)(2) is designed primarily to permit cost-justified discrimination against older workers in the provision of employee benefits. This Court has relied on "the consistent interpretation of the administrative agencies charged with enforcing" the ADEA. *Western Air Lines* v. *Criswell*, 472 U.S. 400, 412 (1985); see also *Skidmore* v. *Swift & Co.*, 323 U.S. 134, 139-140 (1944). "[T]he EEOC's cost justification requirement constitutes the type of longstanding and contemporaneous agency interpretation deserving recognition *EEOC* v. *City of Mt. Lebanon*, 842 F.2d 1480 (3d Cir. 1988).

2. The interpretation of Section 4(f)(2) adopted by the federal agencies charged with its enforcement is fully compatible with the statutory language. The cost-justification requirement can be derived either from the phrase "bona fide employee benefit plan such as a retirement, pension, or insurance plan," as some courts have held, or it can be viewed as implicit in the requirement that a plan not be "a subterfuge to evade the purposes of" the Act, as other courts have suggested. Whichever phrase is given primary emphasis, the courts of appeals agree that the cost-justification standard is supported by the statutory language.

When Congress adopted the "safe harbor" provision codified as Section 4(f)(2), it listed as illustrative examples of the type of benefit plans it had in mind retirement, pension, and insurance plans. A common feature of such plans is that they tend to entail costs that rise with the age of the beneficiary. To be sure, the cost of providing benefits to Older employees under retirement, pension, and insurance plans do not always increase as the age of employees increases. But they commonly do. Most obviously, it costs more to obtain term life insurance as employees age. In addition, health insurance may be

more expensive to obtain for older employees. And it might be more expensive to provide the same defined benefit under a retirement or a pension plan to an employee who began work at age 55 than to an employee who began working at a much younger age. See 113 Cong. Rec. 31,255 (1967), reprinted in U.S. Equal Employment Opportunity Commission, Legislative History of the Age Discrimination in Employment Act 146 (1981).

The Third Circuit in *EEOC* v. *Westinghouse Electric Corp.*, 725 F.2d 211, 224, cert. denied, 469 U.S. 820 (1984), agreed that Section 4(f)(2) incorporates an "age-related cost factor," and it grounded that requirement in the phrase "bona fide employee benefit plan such as a retirement, pension, or insurance plan." [4] In *Westinghouse*, the employer had refused to provide layoff benefits to employees age 55 and over because they qualified for retirement benefits (*id.* at 214-215). The court of appeals noted that it was "aware that the words 'such as a retirement, pension or insurance plan' were added in a descriptive sense" to Section 4(f)(2) (*id. at* 224). However, the court stated, "their description contains substance" (*ibid.*) As the court stated, those sorts of plans are "indicative of the types of plans in which Congress intended to allow age discrimination; they are of the type whereby the cost of benefits increases with age," since "[t]he thread common to retirement, insurance and pension plans * * * is the age-related cost factor" (*ibid.*).

Similarly, the Ninth Circuit in *EEOC* v. *Borden's, Inc.*, 724 F.2d 1390, 1396 (1984), concluded that "Borden's severance pay policy is not an 'employee benefit plan such as a retirement, pension, or insurance plan.'" The court explained that Congress "meant to encourage the hiring of older workers by relieving employers of the duty to provide them with equal benefits—where equal benefits would be more costly for older workers" (*ibid.*). Since severance benefits do not vary depending on the age of the worker, the Ninth Circuit, following the Third Circuit's approach in *Westinghouse*, held that the employer's severance pay policy was "a 'simple fringe benefit,' outside the scope of" Section 4(f)(2) (*id.* at 1397).[5]

Other courts of appeals have emphasized Section 4(f)(2)'s requirement that a plan not be "a subterfuge to evade the purposes of" the Act.[6] As in any other disparate treatment case, the question whether an employer's discriminatory treatment of older employees is a subterfuge must focus on whether the employer had a valid reason for its action or whether its stated reason is a pretext for proscribed behavior. Thus, courts must determine whether the employer's motive was nonpretextual. Cf. *Texas Department of Community Affairs* v. *Burdine*, 450 U.S. 248 (1981). In the context of Section 4(f)(2), this means the employer must demonstrate a legitimate business reason for treating older employees less generously than younger employees. As a rule, that will generally require the employer to show that it is more expensive to provide the benefit in question to older employees.

Like this case, *EEOC* v. *City of Mt. Lebanon*, 842 F.2d 1480, 1484 (3d Cir. 1988), involved a plan under which older employees were barred in some circumstances from receiving disability benefits, and had to settle for lesser retirement benefits. The court stated that the question presented was whether the employer "created the plan as a subterfuge to evade the ADEA prohibition of age discrimination" (*id.* at 1488). It concluded that Congress enacted Section 4(f)(2) because it "recognized the greater expense incurred by employers providing benefit programs for older employees," and decided that "employers should be relieved of the obligation of providing older employees with benefits equal to benefits for younger employees when it would be more costly to do so" (id. at 1489). Accordingly, the court held that "[i]n order to 'cost justify' a reduced level of benefits for older employees, and thereby disprove subterfuge, an employer must establish a connection or nexus showing how general cost savings data supports the extent of reductions in its particular plan" (id. at 1492). Similarly, the Second Circuit in *Cipriano* v. *Board of Education*, 785 F.2d 51, 57, 58 (1986), concluded that an incentive plan under which an employer gave bonuses to employees between 55 and 60 if they retired, but did not offer similar bonuses to older employees, was a "'subterfuge to evade the purposes of the Act'" in the absence of evidence showing a legitimate business reason for discriminating against the older employees.[7]

While the courts of appeals have emphasized different language in the text of Section 4(f)(2), they have generally agreed that where "the employer uses age—not cost, or years of service, or salary—as the basis for varying retirement benefits, he had better be able to prove a close correlation between age and cost if he wants to shelter in the safe harbor of section 4(f)(2)," *Karlen*, F.2d at 319; Pet. App. A5. That conclusion is fully warranted by the language of Section 4(f)(2) which limits its coverage to certain types of employee benefit plans characterized by age-related costs ("a plan such as a retirement, pension, or insurance plan"), and by the language that proscribes plans that undermine the basic antidiscrimination rationale of the Act (a plan tthat is "a subterfuge to evade the purposes of" the Act).[8]

3. If there were any doubt about whether the EEOC's cost-justification standard is consistent with the statutory language, that doubt is resolved by the legislative history. As introduced by Senator Yarborough in 1967, Section 4(f)(2) of the bill that became the Age Discrimination in Employment Act provided only that it would not be unlawful for an employer "to separate involuntarily an employee under a retirement policy or system where such policy or system is not merely a subterfuge to evade the purposes of this Act." S. 830, § 4(f)(2), 90th Cong., 1st Sess., reprinted in U.S. Equal Employment Opportunity Commission, Legislative History of the Age Discrimination in Employment Act [hereinafter Legislative History] 68 (1981). The bill as introduced made no reference to any circumstance that might authorize employers to discriminate against older employees in the provision of benefits. The drafters of the bill, which was termed the administration bill, probably thought such a provision unnecessary because the 1965 report of the Secretary of Labor on the problems of older employees noted that "[r]elatively few employers * * * cited the costs of providing pension and insurance benefits as significant barriers to employment of older persons." Report of the Secretary of Labor to the Congress under Section 715 of the Civil Rights Act of 1964, The Older American Worker: Age Discrimination in Employment 16 (1965), reprinted in Legislative History at 33.

Senator Javits, however, thought that employers were concerned about the cost of providing some types of employee benefits to older persons. He criticized the administration bill for "not provid[ing] any flexibility in the amount of pension benefits payable to older workers depending on their age when hired." Age Discrimination in Employment: Hearings on S. 830 and S. 788 Before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare [hereinafter Senate Hearings], 90th Cong., 1st Sess. 27 (1967). In his view, "faced with the necessity of paying greatly increased premiums," employers might "look for excuses not to hire older workers" (ibid.)

Senator Smathers, a cosponsor of the administration bill, shared this concern. He

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[4] The Department of Labor similarly emphasized in 1969 that "[n]ot all employee benefit plans but only those similar to the kind enumerated in section 4(f)(2) of the Act come within this provision." It therefore concluded that Section 4(f)(2) would not shield discrimination against older employees in the provision of profit-sharing benefits because the cost of providing those benefits does not increase as employees age. 29 C.F.R. 860.120(b) (1969); 34 Fed. Reg. 9709 (1969).

[5] The discrimination here is not excused because, while denying Betts disability benefits, PERS has provided her with lesser benefits of a type listed in the statute. The employees in *Westinghouse* who were denied layoff benefits were also provided retirement benefits, but the court properly concluded that the fact that the layoff plan "is tied to Westinghouse's Pension Plan does not negate the fact that it is more analogous to a 'fringe benefit' than to the types of employee benefit plans covered under 4(f)(2)." 725 F.2d at 225. Moreover, even if a plan is of the sort enumerated in the statute, that does not mean that any discrimination against older employees under the terms of the plan, no matter how arbitrary, should be excused.

[6] The EEOC's current regulations provide that "a plan or plan provision which prescribes lower benefits for older employees on account of age is not a 'subterfuge' within the meaning of section 4(f)(2), provided that the lower level of benefits is justified by age-related cost considerations." 29 C.F.R. 1625.10(d).

[7] The Second Circuit in *Cipriano* stated that it "would not wish to be understood as endorsing every detail of the regulations." 785 F.2d at 58. However, it held that an employee benefit plan that discriminated against older employees would not be protection by Section 4(f)(2) in the absence of a showing by the employer that it had "a legitimate business reason for structuring the plan as it did" (ibid.). The Second Circuit thus plainly rejected PERS' position, which is that it may discriminate against older employees in the provision of employee benefits as long as it does not try to force them to retire. See App. Br. 26, 48.

[8] At the end of its opinion in *United Air Lines, Inc.* v. *McMann*, 434 U.S. 192, 203 (1977), this Court stated that it found nothing to indicate that Congress intended to require an employer that established a retirement plan long before the enactment of the ADEA "to show an economic or business purpose in order to satisfy the subterfuge language in the Act." Contrary to appellants (Br. 22), we do not think that that statement has binding force following Congress's enactment of the 1978 amendment to Section 4(f)(2) negating the holding in *McMann*. Pub. L. No. 95-256, § 2(a), 92 Stat. 189. In any event, the statement appears to have been tied to the situation presented in that case, where the discriminatory provision had been added to the plan at issue prior to the enactment of the ADEA. Here, in contrast, the discriminatory provision in Ohio law was added in 1976, after the ADEA was enacted and after it was amended to apply to the States. Thus, no pre-ADEA provision is involved here. See pages 25-26, infra. Furthermore, the Court in *McMann* did not focus on the language of Section 4(f)(2) referring to plans "such as a retirement, pension, or insurance plan" or the legislative history showing that Congress plainly intended to require employers to provide an economic justification where lesser benefits are provided to older employees, but instead focused on the question presented in that case. See pages 14-20, infra.

agreed with Senator Javits that "[a]s presently drafted, the bill would probably be interpreted to require that workers hired for the first time between the ages of 45 and 65 be given the same private pension rights and other fringe benefits that workers are given who began with the employer at younger ages, thus ignoring the fact that providing fringe benefits for the former can be expensive." Senate Hearings at 29-30. He therefore suggested an amendment "somewhat along the lines of the following: * * * Nothing in this Act shall be construed to make unlawful the varying of coverage under any pension, retirement, or insurance plan or any plan for providing medical or hospital benefits or benefits for work injuries, where such variance is necessary to prevent the employer's being required to pay more for coverage of an employee than would be required to provide like coverage for his other employees" (id. at 30).

The next day, Senator Javits stated on the floor of the Senate that he would seek to amend the administration bill in a way that incorporated his and Senator Smathers' concerns. The proposed amendment, which was similar to Section 4(f)(2) as ultimately enacted, provided that it would not be unlawful for an employer "to observe a seniority system or any retirement, pension, employee benefit, or insurance plan, which is not merely a subterfuge to evade the purposes of this Act." 113 Cong. Rec. 7077 (1967), reprinted in Legislative History at 72. Senator Javits explained that under his amendment "an employer will not be compelled to afford older workers exactly the same pension, retirement, or insurance benefits as younger workers and thus employers will not, because of the often extremely high cost of providing certain types of benefits to older workers, actually be discouraged from hiring older workers." 113 Cong. Rec. 31,254-31,255 (1967), reprinted in Legislative History at 145-146 (emphasis added). According to its drafter, therefore, a key purpose of Section 4(f)(2) was to allow employers to pay lesser benefits to older employees where it cost more to provide those benefits to older persons. See also 113 Cong. Rec. 34,746 (1967) (employers need not provide "special and costly benefits" to older employees) (remarks of Rep. Daniels), reprinted in Legislative History at 157).

Senator Javits' amended version of Section 4(f)(2) had another effect as well. In a colloquy with Senator Javits, Senator Yarborough asked: "Say an applicant for employment is 55, comes in and seeks employment, and the company has bargained for a plan with its labor union that provides that certain moneys will be put up for a pension plan for anyone who worked for the employer for 20 years so that a 55-year-old employees * * * will not be able to participate in that pension plan because unlike a man hired at 44, he has no chance to earn 20 years retirement." 113 Cong. Rec. 31,255 (1967), reprinted in Legislative History at 146. Senator Javits agreed that his amendment protected an employer in such a situation from a claim that it discriminated against older employees who would not be eligible to participate in the pension plan (ibid.) See also H.R. Rep. 805, 90th Cong., 1st Sess. 4 (the exception permits "employment without necessarily including such [older] workers in employee benefit plans" (1967), reprinted in Legislative History at 78; 113 Cong. Rec. 34,746 (1967) (older employees need not "be included in all employee benefit plans") (remarks of Rep. Daniels), reprinted in Legislative History at 157).[9]

Thus, in addition to allowing employers to decrease the amount of benefits paid to older employees where it costs more to provide those benefits to them, Senator Javits' version of Section 4(f)(2) was intended to allow employers to bar older employees from participating in certain plans altogether when they could not work for the employer long enough to qualify for participation in the plan. The decision to permit employers to enforce waiting periods for the vesting of pension benefits, like the decision to allow them to provide reduced benefits in some circumstances, was based on economic considerations. The amounts employers must pay into certain employee bernefit plans such as defined benefit pension plans,[10] depends on actuarial predictions of the amounts that ultimately will have to be paid in benefits. It would upset the predictions on which contributions has been based, and the actuarial soundness of some plans, if a large number of employees previously thought to be ineligible for pensions suddenly became entitled to benefits.[11]

The concern with costs that animated the original enactment of Section 4(f)(2) was confirmed in 1978, when Congress amended Section 4(f)(2) by adding a clause providing that no employee benefit plan may "require or permit the involuntary retirement of any individual * * * because of the age of such individual." Pub. L. No. 95-256, § 2(a), 92 Stat. 189.[12] The purpose of the amendment was to overturn the result in *United Air Lines, Inc.* v. *McMann*, 434 U.S. 192, 193 (1977), where this Court held that involuntary retirements were permitted by Section 4(f)(2). In so ruling, the Court stated that it had found "nothing to indicate Congress intended wholesale invalidation of retirement plans instituted in good faith before its passage, or intended to require employers to bear the burden of showing a business or economic purpose to justify bona fide preexisting plans." 434 U.S. at 203. In the course of explaining the decision to overturn this result, Senator Javits, asserted that the Court had erred by stating that an economic justification was not required to shield discrimination in the provision of employee benefits: "The meaning of the exception, as I stated in a colloquy with Senator Yarborough on the Senate floor, was that an 'employer will not be compelled under this section to afford to older workers exactly the same pension, retirement, or insurance benefits as he affords to younger workers.'" 124 Cong. Rec. 8218 (1978), reprinted in Legislative History at 539. By that statement, Senator Javits indicated, he had meant that "[w]elfare benefit levels for older workers may be reduced only to the extent necessary to achieve approximate equivalency in contributions for older and younger workers" (ibid.).

4. Finally, the EEOC's interpretation of Section 4(f)(2) not only comports with the language and legislative history of the Act, it also finds support in important policy considerations. The cost-justification standard imports an objective criterion for determining the scope of the Section 4(f)(2) exemption—whether the disparate treatment of older workers can be justified by significant differences in the costs of providing benefits to older workers. The objective nature of the standard should result in more predictable enforcement, which in turn should encourage voluntary compliance and facilitate long-range planning in the development of employee benefit plans. The cost-justification criterion also supplies a general, neutral standard for assessing all types and varieties of employee benefit plans, regardless of the particular label that may be attached to those plans. Finally, and most importantly, the EEOC's standard follows directly from the ADEA's anti-discrimination principle. When it costs the same to provide a particular benefit to an older employee and a younger employee, then there is no relevant difference between the two that would justify disparate treatment. But when it costs significantly more to provide a benefit to an older employee, it cannot fairly be said that the two employees are so similarly situated that it would be unfair to differentiate between them in the provision of benefits. The cost-justification standard therefore advances the most basic purpose

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[9] PERS notes (Br. 37) that Senator Javits believed that the ADEA was not the place to "fight[] the pension battle." See 113 Cong. Rec. 7076 (1967), reprinted in Legislative History at 71. By that remark, Senator Javits was not suggesting that any type of discrimination in the provision of employee benefits should be permissible under the ADEA. Rather, he was aware that some pension plans in existence then had very long periods before benefits vested, such as the 20-year period in the plan hypothesized by Senator Yarborough, and he thought that such requirements should be changed by comprehensive pension legislatiion rather than by an age discrimination statute. A major change made by the Employee Retirement Income Security Act of 1974 (ERISA), of which Senator Javits was a sponsor, was that entitlement to benefits paid by qualified pensions plans must vest partially after five years of service and totally after ten years of service. 29 U.S.C. 1053.

[10] Defined benefit plans are pension plans where retirees receive a fixed amount per month based on factors such as final salary and years of service. They differ from defined contribution plans, under which an employer regulary contributes a percentage of an employee's compensation to an account, and the employee is entitled to the account upon retirement. See 29 U.S.C. 1002(34) & 1002(35).

[11] PERS (Br. 33) and amicus National Public Employers Labor Relations Association (Br. 29) note that Senator Smathers' suggested amendment, which expressly authorized variation in employee benefits where it is more expensive to provide certain benefits to older employees, was not enacted. Contrary to their suggestion, however, that in no way implies that Congress rejected his concerns. Senator Smathers never actually proposed an amendment to the Senate, but instead suggested at a hearing language "somewhat along the lines of the following." *Senate Hearings* at 30. Senator Javits plainly understood his amendment, which borrowed its reference to pension, retirement, and insurance plans from Senator Smathers' suggestion, to accomplish the result Senator Smathers desired, as he stressed that where the "high cost of providing certain types of benefits to older workers" exceeded the cost of providing those benefits to younger employees, employees would "not be compelled to afford older workers *exactly the same* pension, retirement, or insurance benefits." 113 Cong. Rec. 31,225 (1967), *reprinted in Legislative History* at 146 (emphasis added).

Moreover, Senator Javtis could not have adopted Senator Smathers' suggested language exactly because it did not allow employers to bar older employees from participating in employee benefit plans altogether where they could not work for the employer long enough to qualify. Senator Smathers' language authorized "variance" only. In the case of the 55-year-old employee hypothesized by Senator Yarborough in his colloquy with Senator Javits, Senator Smathers' proposed language would have required that the 55-year-old receive a lesser pension if he worked to age 65, whereas the terms of the hypothetical plan bargained by the employer and its union required 20 years of employment for an employee to quality for a pension.

[12] The guidelines that the Department of Labor issued in 1969 provided that involuntary retirement was permitted by Section 4(f)(2). 29 C.F.R. 860.110(a) (1969); 34 Fed. Fed. 9709 (1969).

of the ADEA; ending discrimination against older employees in the workplace.

C. Because Ohio's Public Employees Retirement System Has Offered No Economic Justification For Its Refusal To Pay Disability Benefits To Employees Over Age 59, Its Discrimination Against Older Employees Is Not Shielded By Section 4(f)(2)

PERS has not demonstrated that its disability benefits plan is the sort of plan where costs increase with the age of the participant.[13] Indeed, as the court below stated, "[d]espite having every opportunity, the defendants declined to introduced any cost figures or other economic justification for the different treatment of employees over sixty." J.S. App. A6.[14] That defect is fatal, since Section 4(f)(2) is an affirmative defense on which the defendant hears both the burden of production and persuasion. *Karlen*, 837 F.2d at 318, *Cipriano*, 785 F.2d at 57-59. In any event, there is no good reason to assume without evidence that disability benefits become more costly as employees get older. While older employees may be more likely to become disabled (a point on which there is no evidence), the court of appeals correctly noted that "the employee who becomes disabled at a younger age should draw more in benefits over the course of his lifetime than the employee who becomes disabled at 60 or older." J.S. App. A6. Thus, it may be that it is actually more expensive to provide disability benefits to *younger* workers.

Nor is PERS' discrimination justified because employees like Betts, unlike younger employees who become disabled, are eligible for retirement benefits under Ohio law. The explanation does not square with the effect of the Ohio statutes, since employees who obtain disability benefits do not cease to receive them when they turn 60. Rather, they continue to receive disability benefits at the rate of at least 30 percent of their "final average salary" (Ohio Rev. Code Ann. § 145.36 (Anderson 1982 and Supp. 1987), even after they turn 60 and become eligible for retirement benefits instead of disability benefits. Thus, contrary to PERS' explanation (Br.48), the disability plan provides income to employees who have an alterative source of income.

Even if PERS disqualified all recipients from receiving disability benefits once they became eligible to receive retirement benefits, its plan would still not be shielded by Section 4(f)(2). The federal agencies administering the ADEA have concluded that employers may in certain circumstances reduce disability benefits, or replace them with lesser retirement benefits, as recipients age and become entitled to other benefits. But the circumstances in which disqualification is permitted do not include the situation presented here. In 1978, the Department of Labor noted that disability benefits are typically intended "to replace, at least partially, income which an employee would have earned but is unable to earn because of disability." 43 Fed. Reg. 43,266. Requiring disability benefits to continue without reduction until age 70 (the age at which mandatory retirement was permissible at that time), the Department continued, "rests on the unwarranted assumption that a worker who suffers from a long-term disability would in the absence of the disability, have worked until age 70" (id. at 43,267). Data that the Department's Bureau of Labor Statistics had gathered showed that "the most common age at which employees retire is 65" and that, for "individuals still employed at age 60 (or later), the average remaining worklife is about 5 years" (ibid.). Accordingly, the Department concluded, employers should be allowed to cut off disability payments "at age 65 for any employee who becomes disabled at age 60 or less" and "5 years after the disability occurred" when employees become disabled after age 60 (ibid.).

The EEOC has adopted that approach. 29 C.F.R. 1625.19(f)(1)(ii). Its regulations also note that "[c]ost data may be produced to support other patterms of reduction as well" (ibid.). Here, PERS' reduction of benefits does not fall into the safe harbor provided by the regulations, and it has produced no cost data at all to justify its approach.

D. Appellant Errs In Contending That Section 4(f)(2) Authorizes Arbitary Discrimination Against Older Employees Under Employee Benefit Plans And That Its Plan Is Exempt As A Pre-ADEA Plan

1. PERS contends (Br. 26) that, under Section 4(f)(20, "any plan designed to provide employees with benefits unrelated to salary or wages is exempt from the prohibitions of the Act, provided the plan was not conceived to avoid the statute's specified purposes of facilitating the employment of older workers." PERS' amici similarly argue that Section 4(f)(2) excuses all discrimination pursuant to an employee benefit plan that is not a sham.[15] That construction, which has no support at all in the many decisions of courts of appeals construing Section 4(f)(2), totally ignores the statutory phrase, "such as a retirement, pension, or insurance plan." Indeed, PERS states, contrary to the Third Circuit in *Westinghouse* (725 F.2d at 224), that that phrase "merely provides examples of the plans protected by the exemption; it does not purport to define or qualify it" (Br. 28). But if Congress had not meant to limit the types of plans protected by Section 4(f)(2), it would have omitted the phrase, so that the provision reached employee benefit plans without exception. PERS' construction also ignores the abundant legislative history showing that Congress was concerned, not with all employee benefit plans, but with plans with legitimate waiting periods and plans that provide benefits that cost more for older employees.

Moreover, PERS fails to comprehend that Section 4(a)(1) of the ADEA not only prohibits refusals to hire older employees, it also proscribes "discriminat[ion] against any individual with respect to his compensation, terms, conditions, or privileges or employment because of such individual's age." That prohibition follows from Section 1(b) of the Act, 29 U.S.C. 621(b), which provides that the purposes of the ADEA include "prohibit[ing] arbitrary age discrimination in employment" as well as "promot[ing] employment of older persons." As this Court has stated repeatedly, "'[a] benefit that is part and parcel of the employment relationship may not be dolled out in a discriminatory fashon, even if the employer would be free . . not to provide the benefit at all.'" *Trans World Airlines, Inc.* v. *Thurston*, 469 U.S. 111, 121 (1985) (quoting *Hishon* v. *King & Spalding*, 467 U.S. 69, 75 (1984)).

That PERS' construction of Section 4(f)(2) is faulty is made plain by consideration of its effects, since it would allow any sort of discrimination against older employees in the provision of employee benefits. As the Seventh Circuit stated in *Karlen*, if an employer told its employees that "at age 65 you lose your free parking space (or dental insurance, or any other fringe benefit), [it] would be guilty, prima facie, of age discrimination." 837 F.2d at 318. Yet PERS' proposal would authorize just such arbitrary discrimination, since presumably it would not interfere with the "employment of older workers" (Br. 26). Indeed, PERS appears to believe that the fact that it hired Betts at age 55 insulates it from liability as long as it does not arbitrarily terminate or refuse to promote her (Br. 29, 48). If it had cut off her dental insurance or eliminated her parking space, solely on account of her age, and offered no justification for doing so, such acts would be permissible under PERS' construction of Section 4(f)(2), just as it contends that it may deny her disability benefits without providing any cost justification for its discriminatory behavior. But Congress did not intend to authorize employers arbitrarily to discriminate against older persons in the provision of employee benefits.

2. PERS also argues (Br. 16-23) that its plan is exempt from liability under Section 4(f)(2) because it was established in 1933. There is no merit at all to that claim. The discriminatory provision in PERS' plan was added in 1976, two years after the ADEA was amended to apply to the States. See 29 U.S.C. 630(b)(2); Pub. L. No. 93-259, § 28(a)(2). Until that time, disability benefits (which are and were generally calculated like retirement benefits under Ohio law) were not required to be at least 30 percent of the employee's final average salary, and hence employees like Betts were not disadvantaged by the provision making them ineligible for disability benefits. Only with the enactment of the 1976 amendment were employees over 60 deprived of a significant benefit available to employees under 60. All of the courts of appeals that have concluded that pre-ADEA employee benefit plans are exempt from its requirements have noted that a different result would follow if, as here, the relevant provision had been addressed after the enactment of the ADEA *EEOC* v. *Cargill*, 855 F.2d 682, 686 n.4 (10th Cir. 1988); EEOC v. *County of Orange*, 837 F.2d 420, 423 (9th Cir. 1988); see also *EEOC* v. *Home Insurance Co.*, 672 F.2d 252, 259 (2d Cir. 1982).[16]

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[14] Because Betts had five years of service, she qualified for disability benefits under Ohio law. Ohio Rev. Code Ann. § 145.35 (Anderson 1982 & Supp. 1987). Accordingly, Congress's interest in enacting Section 4(f)(2) to authorize employers to establish legitimate waiting periods before employees are entitled to participate in employee benefit plans, which was stressed by Senator Yarborough in his colloquy with Senator Javits (113 Cong. Rec. 31,255 (1967), reprinted in Legislative History at 146), is not implicated by this case.

[15] In its court of appeals' brief, PERS conceded that "[t]here was no evidence before the court concerning the potential increased cost to PERS based on the greater frequency of incidence of disability within the excluded age group." PERS' C.A. Br. 27.

[15] The National Public Employers Labor Relations Association, for example, contends (Br. 13-14) that an employee benefit plan may discriminate against older employees except where "it is specifically designed involuntarily to deprive older workers of terms and conditions of employment that younger persons enjoy—for example, a plan that is purposefully designed and used as a cover for the involuntary retirement of older persons."

[16] Consequently, this Court need not address the question whether all pre-ADEA plans are exempt from the anti-discrimination provision of the Act under Section 4(f)(2). Although this Court in *McMann* (434 U.S. at 197-198, 203) expressed the view that a pre-1967 benefit plan could not be a "subterfuge to evade the purposes of the Act,"

CONCLUSION

The judgement of the court of appeals should be affirmed.

Respectfully submitted.

WILLIAM C. BRYSON,
*Acting Solicitor General.*
THOMAS W. MERRILL,
*Deputy Solicitor General.*
CHRISTOPHER J. WRIGHT,
*Assistant to the Solicitor General.*
CHARLES A. SHANOR,
*General Counsel.*
GWENDOLYN YOUNG REAMS,
*Associate General Counsel.*
HARRY F. TEPKER, JR.,
*Attorney.*
*Equal Employment Opportunity Commission.*

JANUARY 1989.

EXHIBIT 3

WASHINGTON, DC,
*May 9, 1990.*

President GEORGE BUSH,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: I am writing to you on behalf of my mother, June Betts. She is unable to write to you herself since she suffers from Alzheimer's Disease and is bedridden in a nursing home. My mother is the plaintiff in Public Employees Retirement System of Ohio versus Betts. This is the case in which the Supreme Court said it was permissible for employers to discriminate against older workers in employee benefits.

Until recently, your Administration has been a strong and important supporter of my mother's efforts to obtain her full and fair disability benefits from the State of Ohio, after being disabled due to Alzheimer's Disease. Your strong support in the Supreme Court, not only in a brief but in oral argument, supporting my mother's case, as well as in testimony before Congress, encouraged my family to continue to fight for my mother's rights after losing our case in the Supreme Court.

Now, you have abruptly abandoned your support for my mother's cause. In a letter to Rep. William Goodling dated March 27, 1990, Mr. Roger Porter ignored your Administration's prior support for the Older Worker's Benefit Protection Act (S. 1511/H.R. 3200) and threatened a veto of this bill. This legislation was introduced to reverse the Supreme Court's ruling in my mother's case and to insure that she, and thousands of other older workers, do not lose benefits they have already earned.

Today, my mother is unable to recognize her family or to care for herself. She suffers from the final stages of Alzheimer's Disease, partial paralysis due to a stroke, and inoperable breast cancer. Before her illness my mother was the most independent and resourceful person I knew. She was committed to public service and helping other, less fortunate people. For almost 30 years, she raised her children and served sincerely and conscientiously as the wife of a parish priest. When her children left home, mother returned to school, obtained a master's degree and in 1978, at age 54, she began a career as a speech pathologist for retarded children and adults with the Hamilton County (Ohio) Board of Mental Retardation. In 1982, my parents were divorced.

About this time, mother began exhibiting signs of what doctors at first thought was an emotional breakdown. Although her condition got worse and worse, she continued working, paying her taxes and contributing to her church and community. The rapid onset of what was finally diagnosed as Alzheimer's meant that she was demoted to lower paying jobs with less responsibility. By the time she was too ill to work, she was babysitting for retarded adults. Mother was distraught, but not beaten—after losing her job, she continued to volunteer at a camp for retarded children for a short time until that, too, became impossible for her to do.

Mother was forced to leave work because of Alzheimer's at age 61, but Ohio PERS refused her a disability benefit solely because she became disabled after age 60. Frankly, Mr. President, if my mother had given up sooner, and left work when she first became ill at age 58, she would be getting a much higher benefit. But, mother didn't want to quit work and become dependent upon anyone. As a result, my mother receives only $158 per month in early retirement benefits, rather than $350 per month in disability retirement benefits that she would receive if she had left work when she was younger and first became ill.

Ohio PERS is penalizing my mother for working as long as she was physically and mentally able to work, by denying her the benefits she has earned. But, self-sufficiency and work were important to my mother; she would never have considered leaving before she had to. This summer, mother's financial assets will be exhausted and she will become a ward of the State and a recipient of Medicaid assistance. Of all these tragedies, this last one is probably the one that would most appall and embarrass her.

My mother sued Ohio PERS for age discrimination, and won in the federal district and appellate courts. When Ohio PERS appealed to the U.S. Supreme Court, your Administration not only filed a "friend of the court" brief on my mother's behalf, but orally argued before the Court, saying that for 20 years, the Age Discrimination in Employment Act (ADEA) had prohibited the type of discrimination Ohio PERS was engaged in. After we lost before the Supreme Court, the EEOC, testifying for your Administration before the U.S. Senate and House of Representatives, supported legislation introduced to reverse my mother's case and restore this long-standing interpretation of the ADEA.

Despite all this, Mr. Porter's letter stated that you might veto this legislation. My family and I were shocked and disappointed to learn of this change of heart. Mr. Porter's letter never refers to your Administration's Supreme Court brief, oral argument or Congressional testimony. Indeed, it directly, and without explanation contradicts your Administration's previous public statements on many of the issues pertinent to this bill.

My family and I cannot understand what has caused this abrupt change in your position. Certainly, no one is more deserving of your support than my mother, who spent her life helping others. She is not asking for a handout—she is asking only for the benefits she worked for and earned.

My mother is just one person among many. And, her problem is one that faces many women who, after one career raising their families, return to the labor force. How many millions of other midlife and older women workers will lose their benefits before employers are once again prohibited from discriminating against them?

It was to prevent what happened to my mother that the ADEA for 20 years prohibited employers from discriminating on the basis of age in employee benefits. Most employers complied with the law; unfortunately for my mother, Ohio did not.

I plead for your support on my mother's behalf, because she is powerless to plead for herself. Please once again support his bill, for the same reasons you supported it before: older workers, like June Betts, deserve to be treated fairly and honestly in all aspects of their employment and deserve the benefits they have earned.

Very truly yours,

CAROLYN A. BETTS.

(Mr. ROBB assumed the chair.)

Mr. HATCH. As much as I salute their efforts to work out certain problems in this bill, I, for one, am simply unwilling to accept the representations of proponents that this new version of S. 1511 resolves many or most of the flaws in this legislation.

Let me review the history of S. 1511. Let me first make this point once again. We have had, over the course of these last 2 years, dozens of Labor Committee bills come to this floor. A great number of them have been amended time after time after time on the floor. We have had versions 1, 2, 3, 4, and 5, after we get to the floor.

Plant closings was a perfect illustration. The floor manager was my dear colleague Senator METZENBAUM. But that changed almost virtually every day on the floor. You could go through a whole raft of other bills that came from the Labor Committee where we had versions 1, 2, 3, and 4. We have had a number of them this year. It makes me wonder if we need the Labor Committee. Why do we not just bring the bills to the floor and redo them right here, which is what we are doing all the time on them?

One reason is we cannot seem to resolve them in the committee; the committee is so overwhelmingly balanced to one side that the committee cannot get it right because they do not have to negotiate in committee, so they wait until we get between the committee and the floor to really sit down and try to resolve it then. Then we get to the floor and realize it is still not resolved. Maybe that is the way some people negotiate. I like to negotiate and get the thing done right.

Let me review the history of S. 1511.

On August 3, 1989, proponents introduced version 1 of the legislation. It was a four-page bill. They stated:

Our goal was to carefully and narrowly draft this provision so as to only return to pre-Betts law and interpretation, and in

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those statements should not be thought to be binding where Congress has overruled the holding of the case and has indicated its express disapproval of the Court's reasoning (see H.R. Conf. Rep. 950 at 8, reprinted in Legislative History at 519). The better view, we think, is that a provision that existed prior to 1967 can be said to be contrary to the Act's purpose of eliminating artibrary discrimination against older employees, even though it could not have been enacted to evade the ADEA itself. Moreover, Congress in 1967 made clear that the Act applied "to new and existing employee benefit plans, and to both the establishment and maintenance of such plans." H.R. Rep. 805, 90th Cong., 1st Sess. 4 (1967); S. Rep. 723, 90th Cong., 1st Sess. 4; reprinted in Legislative History at 77, 108.

doing so not settle pre-Betts debates over the EEOC's interpretation of its regulations.

Then, almost 7 months later on the eve of the Senate Labor Committee markup of that bill on February 28 of this year, we saw version 2 of the bill for the first time. It was voted out of the committee the very next day.

I tell you this is complex stuff; this is not easy to fathom. I bet there are not five Senators in the whole Senate who understand what is going on here. That is how difficult it is.

Version 2 of the bill was no longer four pages, the number of pages when the first version was filed. It was now 17 pages; a 17-page bill. Version 2 of this bill was described by proponents as "addressing major concerns raised by employers and labor organizations."

Let us look very briefly at version 2. Let us see if that version did any better than the first in achieving the stated objectives of the proponents which was a return to a pre-Betts law, Betts being a Supreme Court case that changed the law.

First, that version, version 2, like version 1, placed the burden of proof on the employer, the defendant, in other words, in these cases, to prove that its practices came within the exception for "reasonable factors other than age," set forth in section 4(f)(1) of ADEA, or the underlying act that is the focus of this bill.

Thus, notwithstanding the representation by proponents that this bill was narrowly drafted to only return to pre-Betts law, the bill turned out to go much farther. This conclusion was also reached in a Congressional Research Service report. The Congressional Research Service, for those who are watching and listening, is a nonpartisan research service that benefits and helps us, who are here in the Congress, to do a better job.

They concluded, in their Congressional Research Service report, that this provision of the ADEA, Age Discrimination Act section 4(f)(1), was never even addressed by the Supreme Court's Betts decision. Also by placing the burden on the employer, as S. 1511 does, it runs afoul of the vast majority of circuit courts that considered this issue prior to the Betts decision.

In all respects, this provision is an example of the extent to which this bill overreaches and goes beyond claims and representations made by sponsors.

Second, version 1 would have outlawed most if not all commonly accepted early retirement incentive programs in a manner inconsistent with the pre-Betts law.

Version 2 and 3 fared no better. Now we are presented with version 5, which purports to do what versions 1, 2, 3, and 4 claimed to do, but did not do. I am not sure that version 5 does the job either. In fact, I am quite sure it does not. Do we not owe it to the older workers of this country who benefit from the voluntary early retirement plans to make sure? It seems to me we do.

Third, there is the issue of the impact that this bill will have on State and local governments. Look. Our Federal Government is over $3 trillion in debt. We are facing a $300 billion deficit this year. We do not have any money to spare, nor do we need to overregulate ourselves any more than we are, because we are overregulated to death now.

And, I might add, the States are not all in that great position either. They cannot afford to have saddled them with unnecessary new regulations that probably will stifle a lot of the benefits to all employees in these areas. They cannot really stand to have that happen to them, and at the same time all the concomitant costs that come from it.

The first two versions of this bill made no special provisions for the States.

This leaves some States with no option other than to substantially cut back disability benefits for all employees and many States with no option at all but to raise taxes. That is what this bill does to them.

We are suffering, as a Federal Government, from too many deficits. Now we are going to increase the suffering of the States, letting them suffer along with us, and creating more deficits than they otherwise would have.

What are they going to do? They are going to have to raise taxes. If I were a Governor, I would be up in arms on this bill. A lot of Governors and State legislators are up in arms about this bill.

We just received a letter from one of the leading Texas Democratic State legislators saying, "My gosh, this thing is going to kill us, it is going to hurt us."

I ask unanimous consent that a letter dated September 14, 1990, to Hon. LLOYD BENTSEN from Gibson D. Lewis, Speaker of the House of Representatives of Texas, be printed in the RECORD.

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

TEXAS HOUSE OF REPRESENTATIVES,
*Austin, TX, September 14, 1990.*

Hon. LLOYD BENTSEN,
*U.S. Senate, Senate Hart Office Building, Washington, DC.*

DEAR LLOYD: I am writing to express to you my concern regarding the deficiencies of the Older Workers Benefit Protection Act (S. 1511) as it impacts the Teacher Retirement System.

Our review of the substitute to S. 1511 leads us to conclude that the latest revision leaves unresolved both of the major problems with the initial legislation. I will address only the more immediate threatening issues to our retirees.

TRS-Care, the group health program with 80,000 retired public school employee members, has as a key cost-containment provision an assumption that participants who qualify for Medicare Part B (i.e., those over 65 years of age) secure such coverage for themselves. S. 1511 would in our view disallow this provision and force a dramatic rise in cost in the program for the state and/or the retirees.

As you strive to bring discipline to the Federal budget I know that you can appreciate that at this juncture the last thing the state budget needs is additional costs mandated by Federal law. I urge you to consider carefully the impact of this legislation upon the already tight state budget.

Thank you for your assistance in this matter.

Sincerely,

GIBSON D. (GIB) LEWIS,
*Speaker.*

Mr. HATCH. Mr. President, like I say, this leaves some States with no option other than to substantially cut back disability benefits for all employees, and many States with no option at all but to raise taxes.

Some State estimates of the cost of complying with version 2 of this bill are as follows: New York State Teachers Retirement System—just the State teachers retirement system—$77 million. I wonder how Governor Cuomo likes that. Being a more liberal Governor, he probably thinks, well, we can tax the people that $77 million, but I bet he does not. I bet he is concerned about it. I bet the teachers are concerned about it.

The Texas State Teachers Retirement will be $106 million, which they are going to have to raise because of this bill and the way it is written.

The State of Maine, $50 to $100 million—how is the State going to come up with $50 to $100 million?

And all 50 States are going to be hit by this same type of problem because of this bill, the way it is written.

It is one thing to want to solve problems, and I know my distinguished friend from Ohio does want to do that, and I know he is very sincere. My friend from Arkansas is very sincere. It is one thing to want to solve problems, but it is another thing to do it this way.

At least 18 State employee or State teacher retirement systems that I am aware of have written to Congress expressing concern about this legislation. We also heard from the National Conference of State Legislatures as well.

Version 5 now purports to mitigate the costs on certain States. This is good. At least the major proponents realized that there are major compliance costs involved here.

But, since version 4 has been available for less than a week, and version 5 for less than 3 days, it is virtually impossible to know with any certainty just how this fix works, and how effective it will be, and whether it will resolve to some degree this massive li-

ability problem of the States without disrupting their employee disability benefit programs, among others.

What is more, in Friday's version of this bill, which the distinguished Senator just substituted, the provision which sponsors said would minimize the need for additional benefits in expenditures was revised again.

So, it turns out that all the rushing around that the affected parties were doing to try to evaluate this new substitute was a completely wasted effort since the Senate is considering yet a different version of this bill.

And to get my support, they are going to have to do that. I may not be important in the support of this bill, but I think it would be a good thing if they worked with us to resolve these problems. I think they will be much happier with the way the States receive this bill, much happier the way the business community will receive this bill, much happier the way the aging community will receive this bill.

I am not talking about the aging activists. They think they have the upper hand here and will get the bill through regardless.

I have to tell you the administrations indicated they will veto this bill if it comes through with these types of provisions in it, and the business community is up in arms, the State legislators are up in arms. I hope we resolve it. I hope good faith will resolve this because I would like to resolve the Betts decision and go back to pre-Betts law. This goes far beyond that.

It is quite an imposition to require constituents to hit a moving target like this one that is changing almost daily. I am glad it is, because the changes at least are movements in the right direction. They are just not far enough along. At first glance it appears this new version, designed to fix the problem of State and local compliance costs, does not take care of 100 percent of the costs.

At least preliminary concerns have been raised by affected parties regarding the workability of various procedural aspects of this so-called election process.

There are numerous complex issues raised by this legislation. I hope my colleagues share my concern that we are legislating in the dark and that, Mr. President, is a pretty rotten way to legislate.

There can be no mistake about what is at stake here. This is an extremely far-reaching piece of legislation that will have a tremendous impact on the structure and allocation of employee benefits.

Have we not learned anything from our recent experiences with catastrophic health care and section 89? In both cases, we rushed to enact laws we thought the public wanted. The fact was that we enacted legislation with nice titles and noble purposes, but gave short shrift to the mechanics of the law's implementation.

Some have characterized the debate on this particular bill as one which pits private employers against employees. Nothing could be farther from the truth.

There is an easy way for employers to get around the requirements of this bill. I might as well tell you that.

They can avoid costly litigation over early retirement programs and simply achieve necessary work force cutbacks by laying off employees. That is all they have to do. But how does that benefit anybody?

They can avoid litigation over whether disability or severance payments are properly allocated by either not providing such benefits at all or by cutting back benefits for younger and middle-age workers.

That is the way to get around it. They do not want to. They would like this to be a fair system but economically they are going to have to do that if this bill passes in its present form. How does that benefit the aging employees in this country? How does that benefit all other employees in this country?

This essence of this legislation is how benefits are allocated among various groups.

Every version of S. 1511 I have seen so far represents an unprecedented effort by Congress to micromanage benefit plan arrangements. This is a role best left to employers, unions, and State legislatures.

That is where it ought to be. They will do a good job. They will do it in the most efficient of ways. They will do it in a way that will work. There will be incentives there. The people will have their retirement and disability programs if we allow the system to work the way it should work. Let us overrule Betts, but let us do it the right way and put the obligation of things in the hands of those that know how to do it and know what to do and have to meet the burdens as a result of doing it.

As the United Auto Workers Union has explained:

> S. 1511 would prohibit the integration of employee benefit plans, such as severance or supplemental unemployment benefit plans and pension plans. The UAW has negotiated integrated benefit programs with many companies.

A lot of other unions are trying to do that. This bill will stop that stone dead.

> We believe that this type of approach represents the best method of assuring the continuation of income and health care throughout the lifetime of workers and their families. If these integrated benefit programs are made unlawful, this will simply permit a small group of workers to "double dip" at the expense of all workers and retirees.

That is not fair and that is not going to work. And that is going to hurt an awful lot of good people.

> Accordingly, we believe that S. 1511 should be amended to expressly permit integrated benefit programs.

That is what the UAW said.

This bill, however, continues to outlaw the practices advocated by the UAW which are so beneficial to employees.

The UAW now I suppose supports this version of the bill. But what they said there still applies. Let me just repeat it again because it is very important stuff. The UAW, I think, pretty well summarized the problems with this bill and they have not changed even though the UAW has said they are going to support the bill. They said:

> S. 1511 would prohibit the integration of employee benefit plans, such as severance or supplemental unemployment benefit plans and pension plans. The UAW has negotiated integrated benefit programs with many companies. We believe that this type of approach represents the best method of assuring the continuation of income and health care throughout the lifetime of workers and their families. If these integrated benefit programs are made unlawful, this will simply permit a small group of workers to "double dip" at the expense of all workers and retirees. Accordingly, we believe that S. 1511 should be amended to expressly permit integrated benefit programs.

I do not know why the UAW would now support this bill because none of those problems were resolved in the latest version of this bill, nor will they be resolved unless we can somehow work out the last few remaining but very important problems with this bill.

And they are not only important, they are going to make difference whether this bill really works or not, or whether it is vetoed or not.

This bill continues to outlaw the practices advocated by the UAW which are so beneficial to employees.

In my view, the rationale for how the proponents have chosen to draw the line between which practices are prohibited remains entirely unclear.

And, Mr. President, because this bill would force the reallocation of benefits, it is even more unclear how S. 1511 would benefit older workers.

So I really urge my colleagues to consider this legislation carefully, to not just look at the fact that there are a number of cosponsors. Virtually none of them know what is in this current version of the bill.

I think we owe that much consideration to the workers of this country. After all, it is their benefits that are at stake. We owe that much to the younger and middle-aged employees of this country. Their benefits are at stake. I think we owe that much to the business community in this country. Although they would love to have these programs and want them to

work, there are a lot of them going to be cut out because they are not going to pay the extra costs that is going to come from complying with the approaches in this bill.

If we want to overule Betts and we want to get to the point where we have pre-Betts law and we want to be able to resolve problems in a reasonable and satisfactory way, then I have to say the Hatch-Kassebaum substitute does this job. In other words, I want a change in the law. I want to overrule Betts. But to do it this way, you are going to have the same problem, to a more or less degree, that you had with section 89 with regard to the catastrophic health benefit. The people are going to be so doggone mad, within the next 5 years, of what we did here, if we pass this bill and a veto is not sustained, they are going to be so doggone mad at all of us that we are going to be back here scrambling to try to resolve it like we tried to resolve section 89.

I have to tell you it is better to do it now. I really believe that we can do it if we would just get together and not worry so much about the activists but worry about those who are subject to the Age Discrimination in Employment Act, the ADEA, which we will be talking about in the next few days.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, in a few moments I may respond briefly to the opening statement of the Senator from Utah.

But, first, as a general statement, let me just say, Mr. President—and I say this respectfully—it is very difficult for me at this point to believe that we are back on the floor of the U.S. Senate having to argue again for what most of us have believed to be a basic right. This has been rectified in the past. Most Americans, including a woman from Ohio, the constituent of Senator METZENBAUM and Senator GLENN, believed that the Age Discrimination in Employment Act protected workers from arbitrary age discrimination in the workplace. Unfortunately, as Mrs. Betts so sadly discovered, this is not the case.

In 1978, Mr. President, at the age of 55, June Betts was hired as a speech pathologist for the Hamilton County, OH, Board of Mental Retardation. She was a very enthusiastic, dedicated worker, until she began to suffer from the early effects of Alzheimer's disease.

As a public employee of the State of Ohio, Mrs. Betts was covered by Ohio's Public Employees' Retirement System, PERS. In addition to normal retirement benefits, the PERS plan offered employees who become disabled prior to normal retirement age a disability retirement benefit. Even though Mrs. Betts could have taken disability soon after she became ill, she did not at that point want to retire. She was making a positive and a very, very constructive addition to the profession of teaching the mentally retarded.

Although she began having difficulty later in performing that job, she was determined to continue working. Finally, at the age of 61, she became too disabled to work. She was forced to retire.

Mrs. Betts' disability benefit would have been $355 a month. However, when PERS was asked to begin the payment to take care of this dedicated, older worker at age 61, the plan's administrator had a different figure in mind. Under PERS, disability retirement was only available to employees who became disabled at an age prior to age 60. Although Mrs. Betts probably was disabled prior to this arbitrary age cliff, her determination to continue working despite her illness actually worked against June Betts. When June Betts was forced to give up her position because her condition had worsened, she had already reached the age of 61. She was, therefore, ineligible for disability under the existing law of the State of Ohio.

The Betts family, Mr. President, was shocked when the plan administrator told them that Mrs. Bett's only option was to take a reduced pension of $158.50 a month. In essence, PERS refused to provide her with the $355 benefit offered to other employees simply because she was over the age of 60.

Mr. President, to put this into context, I would like my colleagues to focus for a moment on the absurdity of this discriminatory benefits plan. If a minority was given a lesser benefit simply because of his race or her race, or a woman given a lesser benefit simply because of her sex, can you imagine what an outcry we would see justifiably brewing in our country?

Arbitrary age discrimination in employee benefits was against the law, so the Betts family believed. Congress had said so on two occasions—once in 1967 when it passed the Age Discrimination in Employment Act, and again the Congress spoke in 1978 when it amended that particular act. Moreover, for the past 20 years the Department of Labor, the EEOC, and every other Federal court in America to address this issue basically were in agreement. In fact, for the past 20 years the courts had used a very simple and a very fair standard contained in the Department of Labor and EEOC regulations for determining whether a benefit plan violated the law of this land as the "equal benefit or equal cost" rule which was designed to allow employers to take into account that the cost of some benefits increases with age.

The rule allowed an employer to provide lesser benefits to older employees as long as that employer could show that the cost of the benefits for older workers was at least equal to the cost of the benefits of younger employees.

Using the "equal benefit or equal cost" standard, the Betts family won their case in the Federal district court and the Circuit Court of Appeals levels. However, in June of 1989, the Supreme Court of the United States abandoned this 20-year-old test and, instead, decided that in passing the ADEA, that Congress never intended to protect older workers from discrimination in employee benefits.

Mr. President, I respectfully submit that the Supreme Court was dead wrong in this decision. The bill we are debating today makes it unmistakably clear that Congress intends to protect the employee benefits of our Nation's older workers. In doing so, S. 1511 adopts the "equal benefit or equal cost" test as the standard to be used in determining a benefit plan's compliance with the act. And, too, it places the burden of proving this affirmative defense back on the employer where it had been before. It clarifies that the ADEA applies to benefit plans established prior to 1967.

I consider myself a great advocate of the reasonable concerns of business, small and large. I believe the substitute that we have offered and accepted today goes a long way in addressing the legitimate concerns of the employers. Having said this, let me say that cost and convenience have never been valid reasons for race or sex discrimination. I hope my colleagues will follow the debate on S. 1511 and its substitute closely, and I urge them to support this very important and this very sensible piece of legislation.

I ask unanimous consent that at this point a basic three-page summary of the substitute just incorporated into the original text of the bill be printed in the RECORD.

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

STATEMENT ON THE SUBSTITUTE

Mr. President, I want to outline the changes made by this substitute amendment, most of which have been made in response to concerns raised by business groups and by public employers.

SEC. 103

Section 4(f)(2)(B) has been rearranged to clarify that benefit practices that were permitted under the Equal Employment Opportunity Commission's regulation (29 C.F.R. section 1625.10 as it existed on June 22, 1989) will continue to be allowed. Also, section 4(f)(2)(B)(ii) has been changed to allow an employer to offer any early retirement incentive plan that is consistent with the purposes of the ADEA. This change, suggested by the White House, was made because employers suggested to us that it would be difficult for an employer to show

that an early retirement incentive plan furthers the purposes of the ADEA, as S. 1511 currently requires.

Technical changes have been made to section 4(1). In addition, this section has been rewritten to ensure that the safe harbor currently contained in S. 1511 for subsidized early retirement benefits or social security bridge payments (payments intended to bridge the gap between early retirement and eligibility for social security old age benefits) offered on a permanent basis is extended to cover those offered on a temporary basis as well.

The General Accounting Office has reported that these two types of early retirement benefits make up more than 60% of the early retirement incentive plans offered by employers. By making this change, we have given employers a level of comfort in knowing that these most common forms of early retirement incentives do not violate the ADEA.

Section 4(1)(2), which allows employers to offset severance pay with the value of retiree health benefits, has been changed to clarify that the retiree health plan of the employer must meet the "at least comparable to Medicare" test only once in order to be entitled to the offset.

At the time of the shutdown or layoff that triggers the severance pay, the employer's retiree health plan must be at least comparable to Medicare benefits for retirees who are under age 65, and at least comparable to ¼ the value of Medicare benefits for retirees age 65 or older. Business groups asked for this change so that employers will know that they do not have to continually change their retiree health plans to keep up with Medicare after they have qualified for and used the offset.

A new paragraph (3) has been added to section 4(1) to deal with the issue of coordination of long term disability benefits and pension benefits. Traditionally, employees who are on disability are considered to still be actively working and not retired. Likewise, employees who choose to retire are not considered to still be actively working. This change creates an offset of pension against disability and makes sure that an employer does not have to pay an employee both of these benefits at the same time.

SEC. 104

This section has been added to ensure that regulations issued in connection with this bill will be the result of a coordinated effort among all appropriate departments and agencies of the Administration.

SEC. 105

The retroactive application of the bill has been eliminated. Under the substitute, S. 1511 will apply only to conduct occurring more than 60 days after the date of enactment. This gives employers time to react and make any necessary changes in their benefit plans.

Two changes have been made to address the unique problems faced by states and other public employers. First, public employers will be given a delay in the delay in the effective date until 2 years following the date of enactment of this legislation. Most plans can only be changed through a change in the law, and timing is dictated by the schedules of legislatures, city counsels or other governing bodies. Public employers, therefore, require much more time to amend their benefit plans that do private employers.

Second, with respect to disability benefits, a public employer will be allowed to choose to keep its old plan and come into compliance through an election system involving a new nondiscriminatory plan. Employees covered under the old plan must be given 180 days in which to elect to move to the new plan. Those employees who do not make an election within the 180 day window will stay under the old plan.

Almost every public employer is restricted by a statute or constitutional provisions that prohibits reductions in the benefits of public employees. This election system is designed to allow public employers to avoid violating state law while coming into compliance with the bill.

WAIVER TITLE

The most significant change in the waiver provisions is the elimination of the requirement that employers reimburse employees for attorney consultation.

Mr. PRYOR. Mr. President, one of the concerns early expressed—and there was some, let us say, confusion, there was not quite clarity I think in any of the proposals—was how S. 1511 addressed retroactivity. The substitute eliminates, totally, clearly, without question, any retroactive thrust of the Betts legislation that is now on the Senate floor.

Finally, Mr. President, my friend and colleague from Utah is an eloquent spokesman on many of these issues but he has been on this floor this afternoon at an earlier time sort of complaining, or expressing reservation about the different versions that have been introduced from August 1989 up until the present point to basically rectify and to clarify the Betts decision.

I can say I have worked very closely with the Senator from Utah and his staff, with the Senator from Ohio and his staff, with all of those concerned on this particular issue. We have worked very closely with Senator HEINZ of Pennsylvania, with Senator JEFFORDS of Vermont, and with many others of our colleagues, attempting to come forward with a piece of legislation that will basically overcome and clarify the Betts decision so that there will no longer be age discrimination in this particular arena of our law.

One of the reasons that we have seen several versions of the so-called Betts bill, one of the reasons that we have seen changes to the original Betts legislation introduced August a year ago, is simply to accommodate the objections, the concerns, and the worries expressed, yes, by some of the labor unions that Senator HATCH has mentioned; yes, by some of the businesses that some of our colleagues have been concerned with; yes, by some of the particular State retirement programs, such as, for example, the State of Maine had a problem with this issue some months ago, and we attempted to accommodate not only the States but labor and business and all concerned with each version, each amendment, and now, hopefully, ultimately, the substitute that has now been incorporated to this particular piece of legislation.

We will continue, if it is productive, Mr. President, in negotiation at any level—with the White House, with Senator HATCH and his staff, or any Senators who might express concern about this bill. But the end result and the ultimate test is we must outlaw age discrimination that affected a fine person like Mrs. Betts and that could affect ultimately millions of Americans who are going to find themselves in a situation very similar to hers.

Mr. President, at this point I thank the Chair for recognizing me, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Ohio, Senator METZENBAUM.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to print in the RECORD letters of strong support from the AARP, the AFL-CIO, UAW, Steelworkers, Western Union, and from Union Life Insurance Co., the largest provider of disability insurance in the country.

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

AARP,
WASHINGTON, DC,
*September 12, 1990.*

DEAR SENATOR: The American Association of Retired Persons (AARP) strongly urges your support of S. 1511, the Older Workers Benefit Protection Act, when it comes to the Senate floor in the next few days. This legislation is urgently needed to protect older workers from arbitrary age discrimination in employee benefits.

S. 1511 reverses the Supreme Court's decision in *Public Employees Retirement System of Ohio* v. *Betts*. The Court held that the Age Discrimination in Employment Act (ADEA) does not cover employee benefits. This decision reversed twenty years of settled regulatory and case law, and ignored the clear legislative history of the ADEA that had required employers to either provide equal benefits to older workers as for younger workers, or at least spend as much to provide the benefit for an older worker as for a younger worker. This workable rule was accepted by business, the courts, employees and federal enforcement agenices.

The Supreme Court's ruling in *Betts* opens the door to arbitrary, unequal treatment for older workers in all types of employee benefits, except pensions. The benefits of millions of older workers are at risk. S. 1511 would substantially restore prior law and protect older workers from arbitrary discrimination in benefits.

At the time of floor consideration, Senator Pryor and other cosponsors will be introducing a substitute for the bill as reported by the Labor and Human Resources Committee. This substitute responds to concerns expressed by the Administration and the business community about key provisions in the bill as reported.

As with any compromise, there are provisions—such as the changes made to the effective date provision—with which AARP takes exception. Despite such misgivings, AARP believes it is essential to pass the substitute to make clear once again that em-

ployers may not arbitrarily reduce or deny older workers benefits.

We urge your support of S. 1511 and also ask for your vote if there is an objection to the motion to proceed. Further, we ask that you oppose any weakening amendments.

Passage of this legislation is critical to protect older workers from age discrimination in employee benefits. Failure to enact S. 1511 will discourage many skilled and experienced older workers from remaining in the labor force and encourage many workers to retire sooner than they might otherwise choose.

If you have any questions or need more information, please contact Michele Pollak, AARP Federal Affairs Department at 728-4729.

Sincerely,

HORACE B. DEETS.

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

*Washington, DC, September 12, 1990.*

DEAR SENATOR: During consideration of the proposed Older Workers Benefit Protection Act (S. 1511), we understand that Senators Pryor, Metzenbaum, Jeffords, and Heinz intend to offer a substitute for the bill reported by the Labor and Human Resources Committee. The UAW strongly supports this substitute; we urge you to vote for this substitute and if necessary for cloture.

The Pryor-Metzenbaum-Jeffords-Heinz substitute would make a number of changes in the Committee bill, including:

Expanding the safe harbors for early retirement subsidies and social security supplements to include temporary, as well as permanent programs;

Clarifying that early retirement incentive programs are lawful so long as they "are consistent with" (rather than "further") the purposes of the ADEA; and

Making the bill completely prospective, with special delayed effective dates for collectively bargained and state and local government plans.

In our judgment, these changes are all positive and should help to address concerns which have been raised about the legislation. Accordingly, the UAW urges you to give this substitute your enthusiastic support.

The UAW also understands that Senator Hatch may offer additional amendments, including a provision which would allow discrimination against older workers in employee benefit plans provided this serves a "legitimate business purpose". We believe this amendment would undermine the thrust of the legislation. In effect, it would leave intact much of the Supreme Court's decision in *Public Employees Retirement System of Ohio v. Betts*, which immunized virtually all employee benefit plans from age discrimination challenges. The UAW believes that the *Betts* decision was wrong and should be overruled. We therefore urge Senators to vote against this and any other weakening amendments which may be offered by Senator Hatch.

Your consideration of our views on this important issue will be appreciated. Thank you.

Sincerely,

DICK WARDEN,
*Legislative Director.*

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UNITED STEELWORKERS OF AMERICA,

*Washington, DC, September 12, 1990.*

Hon. HOWARD METZENBAUM,
*U.S. Senate, Washington, DC.*

DEAR SENATOR METZENBAUM: USWA supports S. 1511 which would revise the Supreme Court's *Betts Decision* and clarify the protections given to older workers with regard to employee benefit plans.

The substitute bill assures that early retirement incentive plans, which are consistent with the purposes of the Act, are valid. Furthermore, social security bridge payments for both temporary and permanent programs are recognized as valid enhancements of subsidized early retirement plans.

We support the Pryor, Metzenbaum, Heinz bipartisan substitute which addresses a series of concerns which have arisen during the legislative process. Having reviewed these revisions, USWA remains in strong support of the bill and urges a vote for cloture, against any weakening amendments and for passage.

Sincerely,

JOHN J. SHEEHAN,
*Legislative Director.*

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

*Washington, DC, September 17, 1990.*

DEAR SENATOR: It is our understanding that, during consideration of the proposed Older Workers Benefit Protection Act (S. 1511), Senators Pryor, Metzenbaum, Jeffords, and Heinz will offer a substitute for a bill reported by the Labor and Human Resources Committee. The AFL-CIO urges your support for this substitute and, if necessary, for cloture.

In our judgment, this bipartisan substitute will address concerns that have been raised about the legislation in a carefully balanced fashion. We therefore urge support for the substitute and against any weakening amendments that may be offered.

Sincerely,

ROBERT M. MCGLOTTEN,
*Director, Department of Legislation.*

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UNUM,

*Portland, ME, September 12, 1990.*

Hon. HOWARD M. METZENBAUM,
*U.S. Senate, Washington, DC.*

DEAR SENATOR METZENBAUM: I am writing in support of the substitute amendment proposed by Senators Pryor, Heinz, Jeffords and yourself to S. 1511, the Older Workers Benefit Protection Act.

UNUM Corporation and its family of insurance companies is the nation's leading provider of group long term disability insurance. Based in Portland, Maine, UNUM provides group long term disability insurance to more employers than any other insurer in the United States. UNUM insures approximately three million workers under 28,245 long term disability policies.

We support your amendment and its reaffirmation of the "equal benefits and equal cost" rule. We believe that the "equal benefit or equal cost" regulation is the appropriate test for the section 4(f)(2) exemption because it is a clear, objective standard that has proved to be valid, reasonable and workable. This standard provides a relatively easy and uniform measurement by which employers and insurers can determine nondiscriminatory benefit reductions for older workers. Employers and insurers need a clear standard by which results can be reasonably tested. Without a clear, objective standard we risk increasing litigation and discriminatory employee benefit plans.

Your amendment, which provides for the integration of voluntary pension benefits with long term disability [LTD] benefits, is acceptable to us and is consistent with disability industry practices. LTD plans are specifically designed to cover the income replacement needs of those people working and intending to remain in the work force. This avoids the possibility of simultaneous payment of LTD and voluntarily-elected pension plan benefits. This is done to avoid both the costs of providing benefits with similar objectives (replacement of lost income) and the distribution of benefits which could add up to more than the person was paid while working; thus, making disability an economically preferable status.

We understand that the legislation would not permit integration of benefits for involuntary receipt of retirement benefits, such as when an employee is compelled to begin collecting retirement benefits at age 70½ due to Internal Revenue Service regulations. In this limited instance, we do not offset LTD benefits for the amounts received from the retirement plan. We also do not integrate with employee-pay-all retirement benefits such as IRAs, TSAs, 401(k)s and rollover plans or the employee-paid portion of defined contribution plans.

Lastly, we understand that the legislation will not impact our ability to integrate LTD benefits with those available from government sources, such as Social Security Disability and Workers' Compensation benefits. These offsets are non-age based offsets and, therefore, should not be affected by this legislation. This integration approach is standard practice for LTD plan design for the same reasons we listed above concerning integration of voluntary retirement benefits, and was permissible under ADEA prior to the Betts decision.

We appreciate having the opportunity to work with you and your staff on this very important legislation.

Sincerely,

DONNA T. MUNDY,
*Vice President, External Affairs.*

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WESTERN UNION,

*Upper Saddle River, NJ, September 11, 1990.*

Hon. HOWARD METZENBAUM,
*Russell Senate Office Building, Washington, DC.*

DEAR SENATOR METZENBAUM: During the last several months we have had numerous conversations with you and your staff regarding the potential impact of S. 1511 on Western Union Corporation ("Western Union"). Our concerns have focused on the provisions of S. 1511 which basically prohibit integration of pension and severance benefits and retroactively apply this prohibition to all cases which were pending as of June 23, 1989, the date of the Supreme Court decision in *Public Employees Retirement System of Ohio v. Betts.*

Western Union and its labor unions, Communications Workers of America, AFL-CIO, and its local 1177, and United Telegraph Workers, AFL-CIO, were defendants in an age-discrimination suit brought by the Equal Employment Opportunity Commission ("EEOC") which was pending on June 23, 1989. Because S. 1511 does more than change the law to its pre-*Betts* status, we would be forced to try our case according to new legal standards which differ from the laws in effect at the time the conduct in

question occurred. We believe such a result is unfair.

On April 12, 1990, the Court dismissed the above-referenced case with prejudice pursuant to a joint stipulation of the parties. Notwithstanding this dismissal with prejudice, S. 1511 in its current form would purport to reopen the case and apply a new legal standard. The Justice Department has previously expressed serious reservations about the constitutionality of this retroactivity provision as it would apply to dismissed cases, and we have urged repeatedly that this provision be elminated or at least modified.

Western Union continues to believe that actuarially-based integrated benefit plans are desirable. As we have previously advised you, however, we recognize the need for Congress to act to close the broad loophole created in the Age Discrimination in Employment Act ("ADEA") in *Betts*. We have reviewed the recently released substitute bill (a copy of which is attached) which has been offered by certain sponsors of S. 1511. We believe that this legislation, which is *prospective only*, addresses our concerns regarding retroactivity. Accordingly, we will support this legislation and we will take whatever steps are necessary to conform our benefit plans to this legislation should it become law.

We commend you for your outstanding leadership in addressing these and other important issues in the United States Senate. We are also deeply appreciative of this time and interest of you and your staff in considering our concerns.

Sincerely,

ROBERT J. AMMAN.

Mr. METZENBAUM. Mr. President, I say to my colleague from Utah, we are ready for any amendments. We would like to move this bill along as promptly as possible. If we have the votes, we have them; if we do not, we do not. I would like to keep the matter rolling. I think we can.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I would like to move it along, too. But this Monday, since there are not going to be any votes, a number of colleagues who have expressed an interest in bringing amendments to the floor are not here. I do not know what to do other than to say I want to protect them now. Let us see if we can get an amendment up there before the day is over. Let me see what can be done. I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER OF PROCEDURE

Mr. SYMMS. Mr. President, I ask unanimous consent to speak as though in morning business for 2 minutes.

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

## SAMUEL STRATTON

Mr. SYMMS. Mr. President, I take this opportunity to express my sorrow to the wife of former Congressman Sam Stratton, a Congressman from New York State, who I had the privilege of working with in the House of Representatives for 8 years when I was a Member there.

Sam Stratton was a man who had a very distinguished record in the Congress. He was a great advocate of the peace-through-strength doctrine that has proven to be so correct for our country. He was a great advocate of supporting our troops, our men and women in the armed services, and I think had a very, very successful record in Congress for not only his district in New York State but for this country.

How well I remember January of 1984 when I had the opportunity to visit Jonas Savimbi in Angola, and returned here with the idea that it was time to repeal the Clark amendment which prohibited U.S. assistance to the Angolan freedom fighters. One of the first people I contacted was Sam Stratton in the House and his colleague, then Congressman Jack Kemp. Between our efforts here in the Senate and their efforts in the House, we repealed that amendment, changed United States foreign policy toward Angola, and gave the Angolan citizens the freedom and opportunity to stand up against the Communist government.

I also remember 1972, during the spring offensive in Vietnam, when United States policy seemed to be working and the South Vietnamese Army, with the help of American air power, turned back the attacking army from North Vietnam. For all practical purposes the war had been won. Then, as time went on and Congress lost its support and enthusiasm, Sam Stratton stood on the House floor and fought diligently for the American Congress to continue the support that the Nixon and Ford administration were asking for to support the South Vietnamese army so they could continue to keep the Communists from taking over; how frustrated Sam Stratton was when Congress stopped the support. The war was lost, and millions and millions of people died in Cambodia and South Vietnam after the fact. Many more, as I recall him saying on the House floor, than had been killed in the entire war effort were killed after the United States withdrew because of our failure at that time to continue supporting the South Vietnamese Government. So many great Americans, including the distinguished Presiding Officer, served with such distinction in that war at a time when it was unpopular here at home.

But more than that, more than our losing a good Congressman and a good patriot, I feel that I lost a good friend, and I express my sympathy to his family. I know that his memory shall live on with his wife, his three daughters and two sons, and his grandchildren. For myself, I will always remember Sam Stratton as a man who was brave, honest, and a great patriot.

I ask unanimous consent that the following obituary in the Washington Post dated September 15 be printed in the RECORD.

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

SAMUEL STRATTON DIES; WAS N.Y. CONGRESSMAN

(By Richard Pearson)

Samuel S. Stratton, 73, a New York Democrat who spent 30 years in the House of Representatives where he became an informed if irascible power on the Armed Services Committee, died Sept. 13 at Shady Grove Adventist Hospital after a heart attack.

He was stricken at the Manor Care nursing home in Potomac, where he had been living since an October 1989 stroke. He also had asthma.

Mr. Stratton won election to the House from an Upstate New York district that included Schenectady in 1958. He stayed in the House until retiring for health reasons in January 1989.

Over the years, he gained a reputation as a mainstream Democrat on domestic issues. But he increasingly found himself out of step with his party on defense issues. He never gave up support for the war in Vietnam and became known as a vocal friend of the Pentagon.

When he left office, he was the fourth-ranking Democrat on Armed Services and chairman of its powerful procurement and military nuclear systems subcommittee.

He favored most proposed increases in defense spending and new weapons systems. He was a leading Democratic voice in the House for the MX missile and B-1 bomber programs. He also favored development of a neutron bomb.

He led fights to overturn the "Clark Amendment" that prohibited covert aid to rebel forces opposing Angola's communist government. He was a consistent supporter of aid to the Nicaraguan contras.

He was a leading congressional opponent of the nuclear freeze movement and maintained that he looked with great skepticism on arms control agreements with the Soviet Union. He was a strident critic of civilian budget analysts who sought to rein in defense budgets and to reform the procurement system.

His thoughts on the military budget may have led to his becoming the only northern member of the Conservative Democratic Forum, a group of Democrats that became to be popularly known as the "Boll Weevils."

Mr. Stratton's role in the House became that of the outraged advocate rather than the painstaking legislative tactician. It was a role some thought more suited to a minority party member than a senior member of a powerful standing House committee.

One measure of Mr. Stratton's isolation within his own party came in 1985 when House Democrats deposed an aging and increasingly ineffective Rep. Melvin Price (D-Ill.) as Armed Services chairman. They passed up Mr. Stratton—among others—to

pick the less senior Les Aspin (D-Wis.) as the new committee chairman.

Probably one of Mr. Stratton's most lasting accomplishments was his successful fight, against nearly the whole of Congress, to prevent the demolition of the Capitol's West Front. The struggle, which became something of a personal crusade, resulted in the Front's being beautifully refurbished and restored.

Samuel Studdiford Stratton, who lived in Bethesda, was a native of Yonkers, N.Y., and a 1937 graduate of the University of Rochester. He received master's degrees from Haverford College and Harvard University. He came to Washington in 1940, spending the next two years as secretary to Rep. Thomas H. Eliot (D-Mass.)

During World War II, he was a combat intelligence officer in the Southwest Pacific theater on the staff of Douglass McArthur. Mr. Stratton earned two Bronze Star medals. He was recalled to duty during the Korean War.

He was elected to the Schenectady City Council in 1949, where he served until 1956 and fought the Democratic machine and the Republican Party as well as gambling and corruption. He was mayor of Schenectady from 1956 until entering Congress in January 1959.

Over the years, his district was redrawn after each census. Mr. Stratton twice changed districts before Republicans gave up trying to defeat him and gave him a safely Democratic district. He became the dean of the New York delegation in January 1979.

In 1964, he unsuccessfully opposed Robert F. Kennedy for the Democratic nomination for U.S. Senator. Kennedy went on to defeat Sen. Kenneth Keating (R).

Mr. Stratton's survivors include his wife, Joan H., of Bethesda; two sons, Kevin, of Vienna, and Brian, of Clifton Park, N.Y.; three daughters, Lisa Gonzalez of San Mateo, Calif., Debra Mott of Springfield and Kim Petrie of Aspen, Colo.; and eight grandchildren.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. KASSEBAUM. Mr. President, I believe that on this issue, which has been debated to some extent this afternoon, the Older Workers Benefit Protection Act, we should all stand back for a moment and take a long, hard look at what we are doing. In the rush to complete an overwhelming legislative agenda, we are running the risk of approving hastily drafted and potentially costly legislation, simply to meet an arbitrary deadline.

I sometimes think we would be far better off doing less in these last few weeks and doing it well than doing a lot and being very uncertain about what we have done. This is especially true with the legislation at hand.

It is argued that S. 1511 is not new, that this legislation was introduced over a year ago. That is only part of the story. In fact, we are now considering what is the fifth version of exceedingly intricate and complex legislation, the latest draft of which was circulated only last Friday. I think it would be worthwhile to step back a moment and take a look at the complete history of S. 1511.

When originally introduced last year, S. 1511 was touted as a narrow reversal of the Supreme Court's decision in the Betts case. If this had in fact been the case, I would have wholeheartedly supported it. I strongly disagree with the decision in Betts and agree with supporters of S. 1511 that this case should be overruled.

Unfortunately, it became evident in the hearings that, in fact, S. 1511 went much further than merely reversing the Betts decision. For example, S. 1511, as originally drafted, would have prohibited many popular and desirable early retirement incentive programs.

These are programs which benefit the very people S. 1511 was designed to protect—the older workers. Attempting to respond to this and other deficiencies—including onerous and costly retroactivity provisions—the sponsors of S. 1511 offered a second version of the bill. We were told at the time that this version resolved the objections raised with respect to the original bill.

I add that I do think that those who have worked on this and putting forward S. 1511, Senator METZENBAUM and Senator PRYOR, and others, have done so with every effort to try and answer some of the questions that have been raised about the intent and structure of the bill.

This second version, in the view of Senator HATCH, myself, and others, did not go far enough to remedy the substantial problems presented by S. 1511. Consequently, Senator HATCH and I introduced an alternative, S. 2831, which I believe strikes an appropriate balance between protecting the rights of older workers in light of the Betts decision, while still preserving worthwhile employee benefit programs.

Perhaps in response to these unresolved issues, the sponsors of this legislation have now come forward with yet another version, what I now understand is the fifth version of the Betts bill.

Let me say at the outset that I commend those who have been working on this in their good-faith effort to reach a compromise. Each successive version has indeed been a step in the right direction.

But now we are being told once again this latest substitute accommodates all of the major concerns. Perhaps this time it is true. However, the fact remains that no one really comprehends the consequences of this legislation, either in terms of its cost, the extent to which it will eliminate age discrimination, or what its effect will be on private, voluntary employee benefits.

As to the cost of this legislation, let me give you an example just with respect to my own State of Kansas. Initially, the Kansas Public Employees Retirement System had no objections to S. 1511 other than the general complaint that it was an unwarranted Federal intrusion on the State-operated program.

After all, KPERS is, I am proud to say, a well-run State retirement system, in full compliance with all EEOC regulations at the time of the Betts decision. Since S. 1511 is intended to restore the law prior to Betts, one would think KPERS would be in compliance.

However, given the extreme complexity of this legislation, KPERS had to hire an outside consultant to determine what exposure, if any, S. 1511 would create. This was their conclusion:

> The proposed legislation is extremely vague and complex and particularly difficult to analyze because of vagueness and ambiguities. Our best estimate is that should the bill be enacted, it would increase the liability of KPERS from $160 million to $300 million and increase the annual contribution required by employers (namely, Kansas taxpayers) from $22 million to $40 million.

That is the potential cost—$300 million—to Kansas taxpayers alone, not to mention the cost to the other 49 States. I also understand the cost of S. 1511 to the Federal Government would be in the hundreds of millions of dollars, were it not exempt from this legislation. But does anyone have any idea what the cost of this legislation will have on the private sector? I think we should bear in mind that the additional costs of compliance may ultimately translate into fewer benefits for employees.

I would not be so concerned with cost if I were certain it is necessary to eliminate discriminatory practices in the workplace. I have long been an advocate for the rights of older workers and for protecting their justly earned benefits. That is why I am sympathetic to arguments against the coordination or integration of pensions with other employee benefits.

But if this practice and others are discriminatory, why should the Federal Government be exempt from S. 1511? Why should State governments be permitted, as they are under the latest version of S. 1511, to continue a so-called discriminatory benefit program for current State employees and be required to start a new system only for new employees?

Or, why should certain forms of benefit coordination be permitted under S. 1511 while others are prohibited as

discriminatory? Certainly, these distinctions have no relation to the law prior to the Betts decision. Does S. 1511 truly eliminate discriminatory practices, as it purports to do, or does it merely reflect a series of tradeoffs between special interest groups. That is the only explanation I can give for the crazy-quilt patchwork of this legislation.

However, my greatest concern is the potential effect S. 1511 will have on private employee benefit programs. Let us remember these programs are either offered voluntarily by employers or are collectively bargained. One of the ironies of S. 1511 is that it will prohibit certain programs agreed upon by private parties—by unions and employers.

We should be encouraging employers to offer benefit programs to workers, not discouraging or eliminating popular and beneficial employee benefit programs. The ultimate effect of this legislation may be just that, a reduction or elimination of employee benefits.

I hope we have the opportunity to consider the alternative legislation which Senator HATCH and I introduced. It is not perfect, but I believe it does strike an appropriate balance between protecting the rights of older workers and encouraging employers to offer benefit programs. The alternative would make absolutely clear that early retirement incentive programs are permissible.

It would also require, with respect to coordination of benefits, that certain tests be met to ensure that older and younger workers are treated in a fair manner. The alternative does not alter the burden of proof under current law, nor does it contain onerous and unjust retroactive provisions.

Mr. President, I realize this is very complicated legislation. But if even the experts have a difficult time analyzing the consequences of S. 1511, I think it is time we step back and exercise common sense. Senate bill 1511 raises more questions than it answers.

What will this legislation ultimately cost the taxpayer? Will S. 1511 actually serve to root out age discrimination in all workplaces? Or will it ultimately discourage private employers from offering worthwhile benefit programs in the future? The only thing for certain about S. 1511 is the complete unpredictability of its consequences.

Mr. President, I think there are opportunities for us to work together to achieve a bill that would provide some means of redressing the Betts decision. That certainly would be my hope because I think it is a goal that all of us desire and it is one that I think is desirable for us to achieve in this Congress, if at all possible.

I yield the floor.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Metzenbaum substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. The yeas and nays are ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. METZENBAUM. Mr. President, I think that was accepted. I think it had already been accepted as part of the original text.

The PRESIDING OFFICER. The Chair will clarify. We are under the impression that the request was for the yeas and nays on the committee substitute, as amended.

Mr. HATCH. That was the request.

The PRESIDING OFFICER. The yeas and nays have been ordered.

AMENDMENT NO. 2667

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2667.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment add the following new section:

"SEC. . Exemption for employee benefit practices applied to the Federal sector.

"(a) Notwithstanding any other provision of title I or the amendments to this title, no provision of any employee benefit program, plan, or arrangement operated by any department, agency, or entity of any State or local government or any nongovernmental employee shall be deemed in violation of this title or the amendments to this title if a similar program, plan or arrangement is in effect for any employee of the United States Government or any Federal employee benefit plan or program.

"(b) The Secretary of Labor, in consultation with the Equal Employment Opportunity Commission, the Office of Personnel Management, and the States, shall issue regulation specifying the provisions of this title."

Mr. HATCH. Mr. President, I am giving a copy of the amendment to the distinguished floor manager for the majority.

I do not want to have laws in this area with regard to pension disability rights, early retirement and so forth, that we impose upon State and local governments and private employers that are different from the laws in the Federal Government.

So basically what this says is:

"(a) Notwithstanding any other provision of title I or the amendments to this title, no provision of any employee benefit program, plan, or arrangement operated by any department, agency, or entity of any State or local government or any nongovernmental employer shall be deemed in violation of this title or the amendments to this title if a similar program, plan or arrangement is in effect for any employee of the United States Government or any Federal employee benefit plan or program.

"(6) The Secretary of Labor, in consultation with the Equal Employment Opportunity Commission, the Office of Personnel Management, and the States, shall issue regulations specifying the provisions of this title."

Basically, what we are saying here is that if this law passes, I do not want to set up a different set of rules and regulations for the State and local governments and private employers and employees than what we have in the Federal Government. I think it is an appropriate amendment.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I am prepared to agree to a time certain on this amendment so that we can have a vote in the morning. I am also prepared to allow, through unanimous consent, an opening whereby if the distinguished members on the other side desire to amend this in the second degree, they will have a right to do so with an hour debate equally divided on each amendment, assuming that any additional amendment fails first, an hour, equally divided, for each side.

Is that satisfactory to the distinguished Senator from Ohio?

Mr. METZENBAUM. Mr. President, as I understand it the Senator from Utah is saying that he is prepared to agree to a vote on this amendment tomorrow after an hour's debate, equally divided, with the understanding that managers of the bill on this side of the aisle would have the right to offer a second-degree amendment in the morning, and that in connection with that second-degree amendment, there would be an hour, equally divided, on that second-degree amendment as well.

Mr. HATCH. That is what I am prepared to agree to, if it is all right with the distinguished majority leader. But, as I understand it, he would like a vote on this bill tomorrow morning, or at least on an amendment to this bill tomorrow morning, and I am prepared to move ahead on this basis.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. 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. 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.

## MORNING BUSINESS

Mr. METZENBAUM. Mr. President, these requests have all been cleared with the minority leader.

Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

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

## A REMARKABLE CAREER OF PUBLIC SERVICE

Mr. KENNEDY. Mr. President, a few weeks ago, the Committee on Labor and Human Resources held a hearing on the State of the Food and Drug Administration's Medical Device Program. The Radiologic Health Program has been one of its strongest components. This is attributable to the leadership of the fine gentleman who leads the Center for Devices and Radiological Health, John C. Villforth.

Mr. Villforth has served as Director of the Center since 1982. For the 13 years prior to that assignment, Mr. Villforth ran the much-heralded Radiological Health Program at FDA. As as result of Mr. Villforth's hard work and high-energy leadership, Americans have been protected from radiation produced by a number of products with which they regularly come in contract, such as color TV's, microwave ovens, lassers, tanning devices, and x-ray machines. Mr. Villforth is regarded as a modern-day champion of public health by his coworkers, and associates at FDA, his peers in the radiological health and health physics communities, and his counterparts in other Federal and State agencies with responsibilities in the field of radiation protection.

Mr. Villforth has also received accolades from international radiation protection organizations for his contributions to a broader understanding of radiation science and the human health effects from this natural and manmade phenomenon, as well as to the development of safety standards to protect medical radiation and nuclear workers in this country and around the world.

He is recognized as one of the principal forces behind the establishment of a national consortium of State radiological health agencies. This organization has provided a forum in which radiation experts at the State and Federal level can debate serious issues such as radon in homes, handling and disposal of nuclear waste, nuclear emergency preparedness, and safety inspections of diagnostic x-ray installations. It has also allowed agencies such as FDA, EPA, NRC, and the Energy Department to effectively coordinate their radiation protection activities and assure effective radiation safety controls at all levels of Government.

Mr. Villforth's presence was also felt during the incident at the Three Mile Island nuclear power facility. As then-HEW's point man, he directed a wide-scale radiation monitoring program to be sure that fresh produce, raw milk, and other food products had not been contaminated by radiation effluents from the plant. He was also instrumental in arranging for the rapid manufacture and acquisition of nearly a quarter of a million bottles of a radioactive iodine blocking drug and the development of a health policy on its proper use.

Mr. Villforth demonstrated that same quality of leadership and mastery of complex scientific and policy issues in carrying out FDA's medical device authorities. Like FDA itself, which is confronted with the ever-increasing challenge to keep pace with the rapid change in medical and food technology, Mr. Villforth's organization shoulders the heavy burden of deciding the commercial fate of newly developed medical products. Advances in microelectonics, computer systems and microprocessors, and biomaterials, coupled with the proliferation of these technological developments from engineering laboratories to the medical arena, makes the task extraordinarily difficult.

Mr. Villforth has met this challenge. He has implemented very complex legislation in a highly professional and responsible manner. His device center has taken great care to block the market entry of products whose safety and effectiveness has not been adequately demonstrated. The center has also shown sensitivity to the demands of modern medicine by developing procedures to ensure that commercial marketing and clinical testing approvals of new products with significant thereapeutic and diagnostic promise are granted expeditiously, consistent with sound scientific principles.

Mr. Villforth has also had great success in constructing a national system to identify and correct malfunctioning devices that pose a health threat to consumers. This is a critical part of the FDA Program because even the best engineered and manufactured high-technology pieces of machinery will not necessarily remain defect free over their lifetimes.

In a rather simplistic way, we tend to think of the FDA as a regulatory agency that approves new products and removes those that pose a risk to health. To his credit, Mr. Villforth has resisted this stereotype by working cooperatively with States, consumers, and health professionals on a veriety of programs designed to educate them on the proper use of complex devices and alert them to the possible hazards of improper use. These efforts have been a sterling success and perhaps are the trademark of Mr. Villforth's years of Federal service.

Mr. President, it is important to take note of people like John Villforth, who have committed themselves to improving the public health of our Nation. As a 29-year veteran of the Public Health Service who has attained the rank of Assistant Surgeon General, Mr. Villforth has shown by example how Government can make a difference in people's lives. At the end of this month, Mr. Villforth will end his Federal service. The Nation owes a great debt to him for his public commitment, his superior leadership, and his outstanding record of achievement.

## SAFE WATER

Mr. AKAKA. Mr. President, in 1978, Congress passed amendments to the Safe Drinking Water Act to ensure that Americans have access to clean and pure drinking water. One would expect that, as the newest Senator from the State of Hawaii, I would find it easy to boast about my State, especially her abundance of clean water. I wish I could report that every time you drink a glass of water in my home State you taste paradise. But I am sorry to say that paradise found is also paradise lost.

Last month I chaired a hearing on Federal hazardous waste sites in Hawaii. We found massive contamination at Schofield Barracks, the State's largest Army base. The aquifer beneath the base is contaminated with trichloroethylene, a known carcinogen. The aquifer has been contaminated for the last 5 years; 5 long years, Mr. President. You can understand why I get upset when I think about the 25,000 residents at Schofield Barracks who must drink this water. This aquifer is their only drinking source. No one should have to turn on their tap water and cringe in horror or hold up a glass of water at an restaurant and wonder what is swimming in there: friend or foe? Or fear that your next shower might just as well coat you with a cancerous agent.

But there is some good news. One week after my hearing, the EPA announced that it was placing Schofield Barracks on its Superfund cleanup list.

Still, the menace persists. I found out just last week that another cancer-causing pollutant has been found at another water source. This time I speak of Hawaii Volcanoes National Park on the big island of Hawaii. Beware, Mr. President, if you dare drink the water. National Park employees will not. They have demanded and been given bottled water to drink.

A notice at each fountain warns that, "This facility contains a trace of the compound tetrachloroethylene. The specific health effect of the compound is unknown at this time." In short, it says, "Drink at your own risk." And despite the fact that the sign says that the specific health effect of the compound is unknown, I did a little homework of my own and found that the health effects are, indeed, known. Drink enough of that water and you will be prone to eye irritation, dermatitis, stomach problems, damage to the central nervous system, respiratory destruction, and, for some, cancer that could lead to death.

The point I am making is that we have been dragging our feet rather than getting off to a running start to protect one of our most precious resources. I want to make it clear that I will continue to press for action from the Department of Defense, the EPA, the U.S. Public Health Service, Hawaii's Department of Health, and other agencies. I will be looking for answers, digging where some might not want me to dig, and focusing attention on areas that have been neglected for too long. I will watch and wait, prod and push, until our water is clean and safe again, until our families have one less thing to worry about, and until Hawaii's once pristine water and land are restored to their former State: paradise found.

## TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,011th day that Terry Anderson has been held captive in Beirut.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGES FROM THE HOUSE

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2205. A bill to designate certain lands in the State of Maine as wilderness; and

S. 3033. An act to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

### ENROLLED BILL SIGNED

At 6:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker pro tempore [Mr. HOYER] had signed the following enrolled bill:

S. 3033. An act to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. SHELBY].

## MEASURES HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on September 18, 1990:

H.R. 5400. A bill to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 17, 1990, he had presented to the President of the United States the following enrolled bill:

S. 3033. An act to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 186. A resolution relating to the protection of the Antarctic System.

By Mr. PELL, from the Committee on Foreign Relations, with amendments and with a preamble:

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative parties, for the full protection of Antarctica as a global ecological commons.

## 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. MOYNIHAN:

S. 3060. A bill entitled the "Zebra Mussel Control Act of 1990"; to the Committee on Environment and Public Works.

By Mr. ARMSTRONG (for himself and Mr. BOREN):

S. 3061. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing fuel from nonconventional sources to gas produced from oil shale, to allow taxpayers subject to the alternative minimum tax full credit for producing fuel from nonconventional sources, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. BUMPERS, and Mr. PRYOR):

S. 3062. A bill to transfer the responsibility for operation and maintenance of Highway 82 bridge at Greenville, MS, to the States of Mississippi and Arkansas; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. DASCHLE, and Mr. EXON):

S. 3063. A bill to take additional measures to strengthen economic sanctions against Iraq; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (by request):

S. 3064. A bill to provide for the implementation of the enterprise for the Americas Initiative, and for other purposes; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 3065. A bill to amend the Wild and Scenic River Act by designating a segment of the Allegheny River in the State of Pennsylvania as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. SASSER (for himself, Mr. GORE, Mr. DIXON, Mr. FOWLER, Mr. GLENN, Mr. AKAKA, Mr. MOYNIHAN, Mr. ADAMS, Mr. BURDICK, Mr. DODD, Mr. BRYAN, Mr. SHELBY, Mr. PRYOR, Mr. KERRY, Mr. HOLLINGS, Mr. NUNN, Mr. BOREN, Mr. HEFLIN, Mr. SARBANES, Mr. WIRTH, Mr. EXON, Mr. JOHNSTON, Mr. FORD, Mr. DECONCINI, Mr. BUMPERS, Mr. ROCKEFELLER, Mr. CRANSTON, Mr. RIEGLE, Mr. COATS, Mr. DURENBERGER, Mr. DOLE, Mr. D'AMATO, Mr. SYMMS, Mr. WARNER, Mr. CONRAD, Mr. STEVENS, Mr. SPECTER, Mrs. KASSEBAUM, Mr. BURNS, Mr. THURMOND, Mr. MCCLURE, Mr. DOMENICI, Mr. COCHRAN, Mr. BOSCHWITZ, Mr. ARMSTRONG, Mr. BOND, Mr. LOTT, Mr. HELMS, Mr. WILSON, Mr. HUMPHREY, Mr. DANFORTH, and Mr. ROTH):

S.J. Res. 365. Joint resolution to designate the month of October 1990 as Country Music Month"; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. DURENBERGER, Mr. COATS, Mr. BYRD, Mr. BUMPERS, Mr. PRYOR, Mr. GRAMM, Mr. NUNN, Mr. BOND, Mr. WARNER, Mr. LOTT, Mr. GARN, Mr. HEFLIN, Mr. DANFORTH, Mr. DOLE, Mr. LUGAR, Mr. BENTSEN, Mr. SIMPSON, Mr. ROBB, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. KASTEN, Mr. THURMOND, Mr. JOHNSTON, Mr. FOWLER, Mr. BOSCHWITZ, Mr. ROCKEFELLER, Mr. SHELBY, Mr. CHAFEE, Mr. HOLLINGS, Mr. BREAUX, Mr. JEFFORDS, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. WALLOP, Mr. MACK, Mr. MCCAIN, Mr. SPECTER, Mr. SYMMS, Mr. GRAHAM, Mr. SANFORD, Mr. PELL, Mr. SASSER, Mr. DIXON, Mr. HELMS, Mr. WILSON, Mr. MCCLURE, Mr. FORD, Mr. GRASSLEY, Mr. DECONCINI, and Mr. MCCONNELL):

S.J. Res. 366. Joint resolution to designate March 30, 1991, as "National Doctors Day"; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. BRADLEY, Mr. CRANSTON, Mr. GLENN, Mr. LEVIN, Mr. KERRY, Mr. DIXON, Mr. FOWLER, Mr. BENTSEN, Mr. CONRAD, Mr. SIMON, Mr. MOYNIHAN, Mr. SARBANES, Mr. PELL, Mr. BURDICK, Mr. HOLLINGS, Mr. SHELBY, Mr. SASSER, Mr. GORE, Mr. ADAMS, Mr. SANFORD, Mr. LAUTENBERG, Mr. BAUCUS, Mr. INOUYE, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. COATS, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. D'AMATO, Mr. DURENBERGER, Mr. DANFORTH, Mr. GRASSLEY, Mr. HUMPHREY, Mr. BURNS, Mr. ARMSTRONG, Mr. STEVENS, Mr. CHAFEE, Mr. WILSON, Mr. JEFFORDS, Mr. HELMS, Mr. HATCH, Mr. WALLOP, Mr. DOLE, Mr. MACK, Mr. GORTON, Mr. LUGAR, and Mr. HEINZ):

S.J. Res. 367. Joint resolution to designate the week of November 11 through 17, 1990, as Gaucher's Disease Awareness Week"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG (for himself and Mr. BOREN):

S. 3061. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing fuel from nonconventional sources to gas produced from oil shale, to allow taxpayers subject to the alternative minimum tax full credit for producing fuel from nonconventional sources, and for other purposes; to the Committee on Finance.

NONCONVENTIONAL FUEL SOURCE DEVELOPMENT TAX CREDIT

● Mr. ARMSTRONG. Mr. President, the recent events in the Persian Gulf, and the resulting increase in oil prices, have served to remind us of the importance of developing domestic alternatives to foreign oil. The United States has no shortage of oil or of other energy sources. The shortage lies in the technology needed to extract the energy at reasonable costs.

For example, the United States has about 600 billion barrels of recoverable high grade crude oil in the shale found in Colorado, Wyoming, and Utah. This represents about 20 times the Nation's current crude oil reserves and is about equal to OPEC's reserves. The problem, of course, is that we don't know how to extract the oil from the shale at a low enough cost to make full development of this important resource worthwhile.

At the present time, there is one commercial scale, demonstration shale oil plant in the entire country. This plant is located in Parachute, CO, and is owned and operated by Unocal. Construction on the facility was begun in 1981 and completed in 1983. The plant was designed to produce 10,000 barrels of oil per day. Today, the primary purpose of the plant is to explore the boundaries of shale oil technology.

As with any new technology, production at the Parachute plant has proceeded in fits and starts. As a result of the collapse in oil prices in the early 1980's, Unocal was forced to write the plant off entirely. Nevertheless, the management of Unocal has resisted strong pressures from shareholders and analysts to close the plant to cut costs because of the importance of exploring the technology fully.

Under continued development and study at the school at hard knocks, sustained production was achieved in 1986. By 1989, production levels had reached 1.5 million barrels, or roughly 50 percent of capacity. And though the plant has lost money in every year of its operation, ever-increasing production levels have brought the losses down from $103 million in 1987 to $20 million in 1989.

Understandably, Unocal cannot continue indefinitely to operate a plant that doesn't cover its costs. As a result, this enormously important research facility could be lost to the Nation.

Fortunately, a low-cost solution may be available. Under current law, the Unocal plant qualifies for the "credit for producing fuel from a nonconventional source," section 29 of the Internal Revenue Code. This is a $3 per barrel credit for the production of nonconventional fuels, including oil from shale. However, the credit is offset by 100 percent of any energy investment tax credits claimed under section 47 of the Internal Revenue Code, and is further reduced by the proportion of the production facility financed with tax-exempt pollution control bonds. These offsets reduce the value of the credit and so make it harder for the shale plant to cover its costs.

I am introducing a bill to allow this important research facility to remain open by placing a 3-year moratorium on the pollution control bond and energy investment offsets against the nonconventional fuels credit. In addition, my bill would correct an oversight in existing statute by extending the credit to gas produced from oil shale and would eliminate the requirement that gas produced from oil shale be sold to an unrelated party. Finally, my bill would ensure that the taxpayer would be able to take the credit regardless of whether the taxpayer is paying regular or alternative minimum tax. The Joint Tax Committee estimated in 1989 that these provisions would cost about $20 million over the period from 1990 to 1994.

To date, Unocal has invested $1.2 billion in the Parachute oil shale facility. The Federal Government has spent billions of dollars to fund energy research. Here, we have a private, billion plus dollar research facility to explore a technology to unleash an amount of oil twice that of OPEC's reserves. It seems obvious that $20 million over five years, $5 million in the first year, is a ridiculously cheap price to keep such a facility in operation. As the Persian Gulf crisis makes abundantly clear, it is a price we can ill afford not to pay.●

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. BUMPERS, and Mr. PRYOR):

S. 3062. A bill to transfer the responsibility for operation and maintenance of Highway 82 Bridge at Greenville, MS, to the State of Mississippi and Arkansas; to the Committee on Environment and Public Works.

TRANSFER OF BRIDGE AUTHORITY

Mr. LOTT. Mr. President, for some time, the city of Greenville, MS, has been attempting to negotiate a transfer of the responsibility for the Greenville/Lake Village Bridge to the Mississippi State Highway Commission and the Arkansas State Highway Commission.

Mr. COCHRAN. The city of Greenville was authorized by Congress in 1938 to construct, maintain, and operate the Greenville/Lake Village Bridge—also known as the Highway 82 Bridge—across the Mississippi River.

In 1944, Greenville conveyed to Arkansas that portion of the bridge located in Arkansas, but reserved the right to operate, maintain, and manage the bridge. Now, the city of Greenville wants to transfer maintenance and operation authority to the Mississippi and Arkansas State Highway Commissions.

Mr. LOTT. In a letter dated March 20, 1990, the U.S. Department of Transportation Federal Highway Administration reiterated that special authority was granted to the city of Greenville by Federal legislation which reserved to the Congress the right to alter any part of the authority.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

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

FEDERAL HIGHWAY ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
*Washington, DC, March 20, 1990.*

Hon. TRENT LOTT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LOTT: Thank you for your February 28 letter to Secretary of Transportation Samuel K. Skinner on behalf of your constituent, the city of Greenville, concerning the proposed transfer of the Greenville/Lake Village Bridge by the city to the Arkansas and Mississippi State Highway Commissions. The Secretary's staff has asked us to answer your letter.

You have asked whether the "franchise" for the maintenance and operation of the bridge can be transferred by the city without the express approval of the U.S. Department of Transportation or further special legislation from the U.S. Congress.

The bridge in question was authorized by special legislation of the U.S. Congress, Act of June 14, 1938, ch. 361, 52 Stat. 681. The legal authorities referred to in that Act, specifically 33 U.S.C. § 491-498 and the Act of March 23, 1906, were transferred to the Department of Transportation in 1966. However, the 1938 law does not grant this department or any other Federal agency authority to alter the responsibility for maintenance, operation, or ownwership of the bridge, which was established as a grant condition in 1938.

We believe that further special legislation from the U.S. Congress is necessary to resolve this matter with certainty. The U.S. Congress only gave special authority to the city of Greenville and Washington County under the 1938 Act. It appears the authority can not be now transferred without its authorization. See section 5 of the Act, wherein Congress reserved to itself the "right to alter, amend, or repeal * * * [the Act] * * *."

I appreciate you bringing this matter to my attention. I regret not being able to be of more assistance.

Sincerely yours,

T.D. LARSON,
*Administrator.*

Mr. COCHRAN. Mr. President, both the Mississippi and Arkansas State Highway Commissions want to move forward with the transfer of the authority over the Greenville/Lake Village Bridge. The bridge may be transferred to the State Highway Commissions only under a special act of Congress.

Mr. LOTT. Our colleagues from Arkansas, Mr. PRYOR and Mr. BUMPERS, are joining us today in introducing legislation for this purpose. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 3062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) all the authorities conferred upon the city of Greenville, Mississippi, and Washington County, Mississippi, by the Act of June 14, 1938 (52 Stat. 681) to operate and maintain a bridge across the Mississippi River (known as the Greenville/Lake Village Bridge or the "Highway 82 Bridge") are transferred, upon the certification required by subsection (b), to the State Highway Commissions of Mississippi and Arkansas, acting jointly.

(b) Whenever the Secretary of Transportation determines that the States of Mississippi and Arkansas have entered into a suitable agreement for the continued operation and maintenance of the Highway 82 Bridge at Greenville, Mississippi, the Secretary shall so certify to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

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By Mr. PELL (by request):

S. 3064. A bill to provide for the implementation of the Enterprise for the Americas Initiative, and for other purposes; to the Committee on Foreign Relations.

ENTERPRISE FOR THE AMERICAS INITIATIVE ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for the implementation of the Enterprise for the Americas Initiative, first proposed by President Bush on June 27, 1990, and for other purposes.

This proposed legislation has been requested by the executive branch, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

The stated purpose of this legislation is to encourage and support market-oriented reform and economic growth in Latin America and the Caribbean through inter-related actions that will promote investment reforms, debt reduction and environmental protection in that region. Specifically, this legislation contains provisions designed to accomplish the following:

To authorize contributions by the United States for a newly created Enterprise for the Americas Investment Fund which will be established as a special facility of the Inter-American Development Bank. The fund is designed to foster a climate favorable to investment in Latin America and the Caribbean;

To authorize the establishment of an Enterprise for the Americas facility in the Department of Treasury which would conduct debt reduction operations for eligible countries;

To authorize the President to reduce official debt obligations owed to the United States by eligible countries, subject to advance appropriations;

To authorize the use of interest payments on concessional official debts for environmental programs in eligible debtor countries; and

To provide authority for the sale, reduction or cancellation of certain debts owed by eligible countires to be used in a manner designed to facilitate debt/equity or debt-for-nature swaps.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point together with the section-by-section analysis prepared by the administration.

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

S. 3064

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Enterprise for the Americas Initiative Act of 1990".

TITLE I—PROVISIONS RELATING TO THE ENTERPRISE FOR THE AMERICAS INVESTMENT FUND AT THE INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. UNITED STATES CONTRIBUTION.

(a) CONTRIBUTION AGREEMENT.—The Secretary of the Treasury (hereinafter the "Secretary") is hereby authorized to agree on behalf of the United States to contribute, and to make payment of, a grant of $500,000,000 to the Enterprise for the Americas Investment Fund (hereinafter the "Fund") to be administratered by the Inter-American Development Bank (hereinafter the "IDB").

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary without fiscal year limitation and for the purposes of subsection (a), $500,000,000, to be paid in five annual installment of $100,000,000 each, beginning in Fiscal Year 1992.

SEC. 102. PURPOSE OF THE FUND.

The purpose of the Fund shall be to provide program and project grants that will advance specific, market-oriented investment policy initiatives and reforms to encourage domestic and foreign investment in Latin America and the Caribbean. The Fund will also finance technical assistance for privatizing government-owned industries; business infrastructure; and worker training and education programs to develop supporting human capital.

SEC. 103. CONTRIBUTIONS FROM OTHER COUNTRIES.

The Secretary may seek contributions to the Fund from other countries.

TITLE II—ENTERPRISE FOR THE AMERICAS FACILITY

SEC. 201. ESTABLISHMENT.

There is hereby established in the Department of the Treasury the Enterprise for the Americas Facility (hereinafter the "Facility").

SEC. 202. PURPOSE.

The purpose of this initiative is to encourage and support market-oriented reform and economic growth in Latin America and the Caribbean through inter-related actions which will promote debt reduction, investment reforms, and environmental protection. The Facility will support these objectives through administration of debt reduction operations for those nations that meet the investment reform and other policy conditions.

SEC. 203. ELIGIBILITY FOR BENEFITS UNDER THE FACILITY.

(a) REQUIREMENTS.—To be eligible for benefits under the Facility, a country must—

(1) be a Latin American or Caribbean country;

(2) have in effect or have received approval for—

(A) an International Monetary Fund (hereinafter the "IMF") standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or in exceptional circumstances, an IMF-monitored program or its equivalent; and

(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development (hereinafter the "World Bank") or the International Development Association (hereinafter the "IDA");

(3) have put in place major investment reforms in conjunction with an IDB loan or

otherwise be implementing an open investment regime; and

(4) if appropriate, have agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction.

(b) ELIGIBILITY DETERMINATIONS.—The President shall determine whether a country is an eligible country for purposes of subsection (a).

TITLE III—DEBT REDUCTION

SEC. 301. REDUCTION OF CERTAIN DEBT.

(a) AUTHORITY TO REDUCE DEBT.—

(1) Notwithstanding any other provision of law, the President may reduce the amount owed to the United States or any agency of the United States, and outstanding as of January 1, 1990, as a result of any concessional loan made by the United States pursuant to the Foreign Assistance Act of 1961, as amended, or any credits extended pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, to a county eligible for benefits under the Facilty.

(2) The authorities of this section may be exercised only to such extent as approved in advance in appropriation acts, as appropriate.

(b) LIMITATION.—Any debt reduction authorized pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations outstanding as of January 1, 1990.

(c) EXCHANGE OF OBLIGATIONS.—The Facility shall notify the Agency for International Development or the Commodity Credit Corporation of the agreement with an eligible country to exchange a new obligation for outstanding obligations, pursuant to section 301(b), and, at the direction of the Facility, the old obligations shall be canceled and a new debt obigation for the country shall be established, and such agency shall make an adjustment in its accounts to reflect the debt reduction.

SEC. 302. REPAYMENT OF PRINCIPAL.

(a) CURRENCY OF PAYMENT.—The principal amount of each new obligation issued pursuant to section 301 shall be repaid in United States dollars.

(b) DEPOSIT OF PAYMENTS.—Principal repayments of obligations shall be deposited in the account(s) established for principal repayments of the obligations exchanged therefor.

SEC. 303. INTEREST ON NEW OBLIGATIONS.

(a) RATE OF INTEREST.—New obligations issued by an eligible country pursuant to section 301 shall bear interest at a concessional rate.

(b) CURRENCY OF PAYMENT; DEPOSITS.—

(1) LOCAL CURRENCY.—If the eligible country has entered into an agreement pursuant to section 403, interest shall be paid in the local currency of the eligible country and deposited in an Environmental Fund as provided in section 401. Such interest shall be the property of the eligible country, and such local currencies shall be used for the purposes, and be subject to joint programming, as specified in the agreement provided for in section 403.

(2) UNITED STATES DOLLARS.—If the eligible county has not entered into an agreement pursuant to section 403, interest shall be paid in United States dollars and deposited in the account(s) established for interest payments of the obligations exchanged therefor.

(c) INTEREST ALREADY PAID.—If an eligible country enters into an agreement pursuant to section 403 subsequent to the date on which interest first became due on the newly issued obligation, any interest already paid on such new obligation shall not be redeposited into the fund established for the eligible country pursuant to section 401(a).

TITLE IV—ENTERPRISE FOR THE AMERICAS ENVIRONMENTAL FUNDS

SEC. 401. ENTERPRISE FOR THE AMERICAS ENVIRONMENTAL FUNDS.

(a) ESTABLISHMENT.—The eligible country shall establish an Enterprise for the Americas Environmental Fund (hereinafter "Environmental Fund") to receive payments in local currency pursuant to section 303(b)(1).

(b) DEPOSITS.—Local currencies deposited in accordance with this section shall not be considered assistance for the purpose of any provision of law limiting assistance to a country.

(c) INVESTMENT.—Deposits made to an Environmental Fund shall be invested. Notwithstanding any other provision of law, any return on such investment may be retained by the Environmental Fund, without deposit in the Treasury of the United States and without further appropriation by Congress.

SEC. 402. DISBURSMENT OF ENVIRONMENTAL FUNDS.

Funds in an Environmental Fund shall be disbursed only pursuant to an agreement entered into pursuant to section 403.

SEC. 403. ENVIRONMENTAL FRAMEWORK AGREEMENTS.

The President is authorized to enter into an environmental framework agreement with each country eligible for benefits under the Facility concerning the operation and use of the Environmental Fund for that country. Such agreement should, among other things, specify the means by which point programming shall be accomplished; provide that such Environmental Fund shall be used to provide grants to support environmental projects or programs within such country which are subject to the joint approval of the country and the President; and, when appropriate, seek to maintain the value of the local currency resources of the Environmental Fund in terms of the United States dollar.

SEC. 404. ROLE OF NON-GOVERNMENT ORGANIZATIONS.

(a) FRAMEWORK AGREEMENTS AND LOCAL NON-GOVERNMENTAL ORGANIZATIONS.—In negotiating environmental framework agreements pursuant to section 403, the President should encourage the involvement of local non-governmental organizations having expertise with respect to environmental or conservation matters. In addition, the President should encourage eligible countries to involve representatives of these organizations in decisions on the use of grant funds.

(b) CONSULTATION ON FUND PROGRAM.—The President should consult with non-governmental organizations having expertise with respect to environmental or conservation matters regarding the establishment, structure, and operation of the Environmental Fund

TITLE V—SALES, REDUCTIONS, OR CANCELLATIONS OF LOANS OR ASSETS

SEC. 501. LOANS OR ASSETS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.

(a) Notwithstanding any other provision of law, the President may, in accordance with this title—

(1) sell to any eligible purchaser any loan or portion thereof of an eligible country (as determined pursuant to section 203) or any agency thereof, that was made pursuant to the Export-Import Bank Act of 1945, as amended;

(2) sell to any eligible purchaser any asset or portion thereof which is acquired by the Commodity Credit Corporation as a result of its status as a guarantor of credits in connection with export sales to an eligible country (as determined pursuant to section 203), in accordance with export credit guarantee programs authorized pursuant to the Commodity Credit Corporation Charter Act, as amended, or section 4(b) of the Food for Peace Act of 1966, as amended; and

(3) upon receipt of payment from an eligible purchaser, reduce or cancel any loan or the amount of any asset or portion thereof referenced in paragraphs (1) or (2) of subsection (a) of this section, provided that any such loan or asset that is sold, reduced, or canceled under this section was made or acquired prior to January 1, 1990, and such sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan or asset.

(b) Notwithstanding any other provision of law, the President shall establish the terms and conditions under which loans of assets may be sold, reduced, or canceled pursuant to this title.

(c) Any sale made pursuant to this title by the Export-Import Bank of the United States or the Commodity Credit Corporation of a loan or asset (including any interest therein) to an eligible purchaser under section 503 shall be a transaction not required to be registered pursuant to section 5 of the Securities Act of 1933. For purposes of the Securities Act of 1933, neither the Export-Import Bank of the United States nor the Commodity Credit Corporation shall be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan or asset (including any interest therein) or any security received by an eligible purchaser pursuant to any debt-for-equity or debt-for-nature swap.

(d) The Facility shall notify the Export-Import Bank of the United States or the Commodity Credit Corporation of purchasers the President has determined to be eligible under section 503, and shall direct the Export-Import Bank of the United States or the Commodity Credit Corporation to carry out the sale, reduction, or cancellation of a loan or asset pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

SEC. 502. DEPOSIT OF PROCEEDS.

The proceeds from the sale, reduction, or cancellation of any loan or asset sold, reduced, or cancelled pursuant to this title shall be deposited in the account(s) established for the repayment of such loan or asset.

SEC. 503. ELIGIBLE PURCHASER.

A loan or asset may be sold pursuant to this title only to a purchaser who presents plans satisfactory to the President for using such loan or asset for the purpose of engaging in debt-for-equity swaps or debt-for-nature swaps. A loan or asset may be reduced or canceled pursuant to this title only for the purpose of facilitating debt-for-equity swaps or debt-for-nature swaps.

SEC. 504. DEBTOR CONSULTATION.

Prior to the sale to any eligible purchaser, or any reduction or cancellation pursuant to this title of any loan made to an eligible country, asset acquired as the result of a

credit guarantee made in connection with export sales to an eligible country, the President should consult with that country concerning, among other things, the amount of loans or assets to be sold, reduced, or canceled and their uses for debt-for-equity swaps or debt-for-nature swaps.

TITLE VI—REPORTS

SEC. 601. ANNUAL REPORT TO CONGRESS.

Not later than December 31 of each year, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate an annual report on the operation of the Facility for the prior fiscal year.

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SECTION-BY-SECTION ANALYSIS

TITLE I. PROVISIONS RELATING TO THE ENTERPRISE FOR THE AMERICAS INVESTMENT FUND AT THE INTER-AMERICAN DEVELOPMENT BANK

Section 101 provides for contribution by the United States to the Enterprise for the Americas Investment Fund (the "Fund"), an investment fund to be established by the Inter-American Development Bank (the "IDB").

Subsection (a) authorizes the United States to contribute $500 million to the Fund.

Subsection (b) authorizes appropriations for the contribution.

Section 102 describes the purpose of the Fund. The purpose of the Fund is to foster a climate favorable to investment in Latin American and Caribbean countries. Conditions in Latin America and the Caribbean over the last decade have led investors to look away from the region to other markets. The goal of the Fund is to support the efforts of Latin American and Caribbean nations to carry out investment reforms in order to facilitate foreign investment and the reflow of flight capital. Specifically, the Fund would:

Advance specific, market-oriented investment policy initiatives and reforms; and

Finance technical assistance for privatizing government-owned industries, business infrastructure, and worker training and education programs.

Section 103 provides that the Secretary of the Treasury may seek contributions to the Fund from other countries.

TITLE II. ENTERPRISE FOR THE AMERICAS FACILITY

Section 201 establishes the Enterprise for the Americas Facility (the "Facility") in the Department of the Treasury.

Section 202 provides that the purpose of the initiative is to encourage and support market-oriented reform and economic growth in Latin America and the Caribbean through inter-related actions which will promote debt reduction, investment reforms, and environmental protection. The purpose of the Facility is to support these objectives through administration of debt reduction operations for nations that meet certain investment reform and other policy conditions.

Section 203 governs eligibility to participate in the Facility. These criteria are designed to encourage economic reform in Latin American and Caribbean countries, including measures to liberalize investment regimes, and to reach satisfactory agreements with commercial bank creditors.

Subsection (a) provides that an eligible country is one that:

Is a Latin American or Caribbean country;

Has in effect an International Monetary Fund (IMF) standby arrangement, extended fund arrangement, or an arrangement under the structural adjustment facility, or enhanced structural adjustment facility or, in exceptional circumstances, an IMF-monitored program or its equivalent;

As appropriate, has received structural adjustment or sectoral adjustment loans under the International Bank for Reconstruction and Development (World Bank), or the International Development Association (IDA);

Has in place major investment reforms in conjunction with an IDB loan or otherwise is implementing an open investment regime; and

If appropriate, has agreed on a satisfactory financing program with commercial banks, including, if appropriate, debt and debt service reduction.

It is the Administration's intent in implementing this section that official debt reduction negotiations with a country may begin once the country and its commercial bank creditors have agreed in principle on a financing program. However, the President will not finally agree to any debt reduction until the commercial banks and the country have reached a final agreement.

Subsection (b) provides that the President shall determine whether a country is eligible to participate in the Facility pursuant to subsection (a).

TITLE III. DEBT REDUCTION

Section 301. Subsection (a) authorizes the reduction of concessional loans extended under the Foreign Assistance Act of 1961 (FAA) and credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended.

Subsection (b) provides that debt reduction will be accomplished by the exchange of a new obligation for obligations outstanding as of January 1, 1990.

Subsection (c) provides that the responsibility for executing the exchange of obligations that will result in the debt reduction agreed to by the President pursuant to subsection (a) rests with the agency whose loans or credits are affected, and such agency shall act at the direction of the Facility.

Section 302 provides that repayments or principal on new obligations issued pursuant to section 301 shall be paid in U.S. dollars and deposited into the accounts established to receive principal payments on the old debt obligations.

Section 303 provides that the rate of interest on the new obligations shall be a concessional rate and that payment of that interest shall be made in the local currency of the debtor country if that country has entered into an agreement establishing an Environmental Fund into which the interest would be deposited (see title IV); otherwise, interest shall be paid in U.S. dollars into the U.S. Treasury. Interest deposited in the Environmental Fund would be owned by the eligible country, as would any earnings on that interest; the Fund would, however, be subject to joint U.S.-eligible country programming.

Subsection (c) provides that there is no retroactive crediting of interest payments to the Environmental Fund established pursuant to section 401(a) in the event that an eligible country enters into an agreement after the date that interest payments become due on the new obligation.

TITLE IV. ENTERPRISE FOR THE AMERICAS ENVIRONMENTAL FUNDS

Section 401. Subsection (a) provides for the establishment of an Enterprise for the Americas Environmental Fund by an eligible country.

Subsection (b) provides that deposits into an Environmental Fund shall not be taken into account for purposes of other provisions of law limiting assistance to a country.

Subsection (c) provides that deposits into an Environmental Fund shall be invested, that earnings form a part of the Fund, and that deposits and any earnings thereon are available for expenditure without further need for an appropriation.

Section 402 provides that funds in a country's Environmental Fund shall be disbursed only pursuant to a broad agreement entered into by the President.

Section 403 authorizes the President to enter into an agreement with each country eligible for benefits under the Facility to determine the operation and use of the Environmental Fund. The agreement should, among other things, provide for joint programming of the Environmental Fund, and specify that the Environmental Fund shall be used to provide grants for environmental projects and programs approved by the President and the eligible country. It is contemplated that local committees, composed of U.S. Governmental representatives, country representatives, and representatives of local private environmental groups, would have a significant role in formulating programs and projects funded by grants from the Environmental Fund, consistent with U.S. foreign assistance objectives.

Section 404. Subsection (a) provides that the President should encourage the involvement of local non-governmental environmental groups in decisions on the use of grant funds and in matters pertaining to the structure and operation of the Environmental Fund programs.

Subsection (b) provides that the President should consult with non-governmental organizations having expertise with respect to environmental or conservation matters regarding the establishment, structure, and operation of the Environmental Fund program.

TITLE V. SALES, REDUCTIONS, OR CANCELLATIONS OF LOANS OR ASSETS

Section 501 authorizes the President to sell, reduce, or cancel loans made to an eligible country prior to January 1, 1990, under the Export-Import Bank Act of 1945, as amended, (including direct loans and loans acquired by the Export Import Bank of the United States pursuant to its guarantee and insurance programs) and assets acquired prior to January 1, 1990, as a result of credit guarantees made in connection with export sales to eligible countries under programs authorized pursuant to the Commodity Credit Corporation Charter Act, as amended, or section 4(b) of the Food for Peace Act of 1966, as amended. Any such sale, reduction, or cancellation may not contravene any term or condition of any prior agreement relating to such loan or asset. The President is authorized under section 503 to determine the eligibility of a purchaser; the Facility communicates this determination to the agency whose loans or assets are affected, which is in turn responsible for carying out the sale, reduction, or cancellation. It is the Administration's intent that any loan or asset sales under this section will be carried out in such a way to maximize return to the U.S. Government.

Subsection 501(c) provides that any loan or asset sale made pursuant to Title V shall be a transaction not required to be registered pursuant to the Securities Act of 1933, and, for the purposes of that Act, neither

the Export-Import Bank of the United States nor the Commodity Credit Corporation shall be deemed to be an issuer or underwriter with respect to any subsequent sale or other disposition of such loan or asset pursuant to a debt-for-equity swap or debt-for-nature swap.

Section 502 requires that proceeds of a sale, reduction, or cancellation of a loan or asset pursuant to section 501 be deposited into the account(s) established for the repayment of that loan or those assets.

Section 503 requires that the loans be sold only to purchasers who present to the President satisfactory plans for engaging in debt-for-equity or debt-for-nature swaps.

Section 504 provides that prior to a loan or asset sale, reduction, or cancellation, the President should consult with the eligible country to which the loans that will be sold, reduced, or canceled relate, specifying the amounts to be affected and their uses for debt-for-equity or debt-for-nature swaps.

TITLE VI. REPORTS

Section 601 requires the President to submit an annual report to Congress on the operation of the Facility.●

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By Mr. HEINZ (for himself and Mr. SPECTER):

S. 3065. A bill to amend the Wild and Scenic River Act by designating a segment of the Allegheny River in the State of Pennsylvania as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

DESIGNATION OF SEGMENT OF ALLEGHENY RIVER AS A SEGMENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

Mr. HEINZ. Mr. President, I rise today to introduce legislation to designate 85 miles of the Allegheny River in Pennsylvania as a national recreation river under the Federal Wild and Scenic River System.

Twenty-two years ago, Congress enacted the Wild and Scenic River Act to set the policy of the United States of protecting and preserving certain rivers in the United States that possess remarkable scenic, geologic, historic, cultural, or recreational attributes.

In 1978, Congress directed the Forest Service to study 128 miles of the Allegheny River. The Allegheny River is located in northwestern Pennsylvania in the majestic Appalachian Plateau Region. It flows from its origins in Potter County, PA, northwest through a small portion of New York State, and then swings southwest through Pennsylvania, converging with the Monogahela River at Pittsburgh to form the Ohio River. The study focused on a segment of the river from Kinzua Dam to East Brady, PA. It was completed earlier this year by the Forest Service personnel of the Allegheny National Forest who concluded that 85 miles of the river contained outstandingly remarkable values.

Mr. President, this finding is no surprise to those of us familiar with this beautiful area of Pennsylvania. Approximately 30 percent of the 85-mile river segment winds through the Allegheny National Forest, which is truly one of our National treasures; the remaining portion moves through both public and private lands.

Because no section of the Allegheny River was remote enough or free enough of development to be classified as a wild river area, the 85 miles of the river will be designated as a recreational river.

To ensure that the local citizenry has maximum input into a U.S. Forest Service management plan, this legislation creates two citizen advisory groups to give advice on the establishment of final boundaries, and the management of the river. In addition, this bill authorizes the Secretary of Agriculture to implement interim protection measures to protect the river's remarkable value prior to full implementation of the management plan.

Let me take a moment and explain why protection of this river is important to the rich historical and environmental characteristics of northwestern Pennsylvania.

Various cultures and groups have used the Allegheny River for more than 12,000 years. From prehistoric times to the period of Euro-American settlement, the Allegheny River has been the principal travel route linking the Mississippi and Ohio River area with the Great Lakes. The Seneca Indians used to canoe the beautiful waters of the Allegheny 300 years ago. Among the Indian artifacts on the river is the so-called Indian God Rock, which is listed in the National Register of Historic Places. Early colonists explored and settled along this natural river corridor before the United States was formed. The region was a major stategic objective during the French and Indian wars. Needless to say, during the ebb and flow of human activity, each group of people left their mark; consequently leaving a rich lode of archaeological and cultural artifacts for modern man.

Despite its attractiveness to settlers over the years, the River corridor remains a relatively sparsely populated and naturally forested area. It is habitat for a rich diversity of animal fish, and plant life. For example, the Pennsylvania fish and wildlife database lists 394 species of mammals, birds, amphibians, reptiles, and fish that are likely to be found in the river corridor. Of these species, 34 are designated as State threatened, endangered, or of special concern. Providing additional protections to the river will also provide additional protections to the species who live there. I would mention, Mr. President, that the bald eagle is the only federally listed endangered species known to occur in the corridor. And we are hopeful to foster a resurgence of our national symbol in the Allegheny Forest region with this bill.

Mr. President, this legislation is supported by the entire Pennsylvania congressional delegation. My good friend, Bill Clinger introduced the companion bill in the House of Representatives and has been the driving force behind protecting and preserving this national treasure for the benefit of future Pennsylvanians and all Americans.

Mr. President, I urge all of my colleagues to support this important legislation, and 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. 3065

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION OF ALLEGHENY RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Allegheny River in the State of Pennsylvania, and to assist in the protection, preservation, and enhancement of the fisheries resources associated with such river, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) ALLEGHENY, PENNSYLVANIA.—The segment from Kinzua Dam downstream approximately seven miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, as generally depicted on the map entitled the 'Middle Allegheny National Recreation River Boundary Map', to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement (if requested) with the State of Pennsylvania and the counties of Warren, Forest, and Venango; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, as generally depicted on such map, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement (if requested) with the State of Pennsylvania and Venango County.".

SEC. 2. ADVISORY COUNCILS FOR THE ALLEGHENY NATIONAL RECREATIONAL RIVER.

(a) ESTABLISHMENT.—The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall establish within 120 days after the date of enactment of this Act two advisory councils to advise him on the establishment of final boundaries and the management of the Allegheny National Recreation River, as follows:

(1) The Northern Advisory Council, to provide advice for the management of the segments of the Allegheny National Recreation River between Kinzua Dam and Alcorn Island; and

(2) The Southern Advisory Council, to provide advice for the management of the segment of the Allegheny National Recreation River between Franklin and Emlenton.

(b) NORTHERN ADVISORY COUNCIL.—(1) The Northern Advisory Council shall be composed of nine members appointed by the Secretary as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his delegate, who shall serve as chair of the Council and be a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the State of Pennsylvania, or his designee.

(C) 6 members, two from each county from recommendations submitted by the County Commissioners of Warren, Forest, and Venango Counties, of which no fewer than two such members shall be riparian property owners along the Allegheny National Recreation River.

(D) 1 member from a nonprofit conservation organization concerned with the protection of natural resources from recommendations submitted by the County Commissioners of Warren, Forest, and Venango Counties.

(2) Members appointed under paragraphs (1)(C) and (D) shall be appointed for terms of three years. A vacancy in the Council shall be filled in the manner in which the original appointment was made; except that the chairman may appoint a member to fill the remainder of a term of a member described in paragraphs (1)(C) and (1)(D) from recommendations submitted by the County Commissioners of Warren, Forest, and Venango Counties.

(3) Members of the Northern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Northern advisory Council shall cease to exist ten years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

(c) SOUTHERN ADVISORY COUNCIL.—(1) The Southern Advisory Council shall be composed of seven members appointed by the Secretary as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his designee, who shall serve as a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the State of Pennsylvania, or his designee, who shall serve as chairman.

(C) Four members from recommendations submitted by the County Commissioners of Venango County, of which at least one shall be a riparian property owner along the Allegheny National Recreation River.

(D) One member from a nonprofit conservation organization concerned with the protection of natural resources, from recommendations submitted by the County Commissioners of Venango County.

(2) Members appointed under paragraphs (1)(C) and (1)(D) shall be appointed for terms of three years. A vacancy of the county representatives on the Council shall be filled in the manner in which the original appointment was made; except that the chairman may appoint a member to fill the remainder of a term of a member described in paragraphs (1)(C) and (1)(D) from recommendations submitted by the County Commissioners of Venango County.

(3) Members of the Southern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Southern Advisory Council shall cease to exist ten years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

SEC. 3. ADMINISTRATION OF ALLEGHENY NATIONAL RECREATION RIVER.

(a) MANAGEMENT PLAN.—After consultation with the State of Pennsylvania, advisory councils, local governments, and the public, and within 18 months after the date of enactment of this Act, the Secretary shall take such action as is required under section 3(b) of the Wild and Scenic Rivers Act. The river corridor management plan shall include—

(1) a map depicting detailed final landward boundaries and the upper and lower termini of the river;

(2) a program for the management of existing and future land and water use of the river;

(3) a program providing for the coordinated implementation and administration of the plan, including responsibilities of the appropriate governmental units at the Federal, State, and local levels; and

(4) final land use guidelines for land within the river corridor.

(b) INTERIM MEASURES.—Notwithstanding any requirement to the contrary contained in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), as soon as practicable, the Secretary, shall issue interim land and water use control measures to be developed and implemented by the appropriate officials, until final guidelines are developed and approved by the Secretary. The interim land use measures shall have the objective of protecting the outstandingly remarkable values, as defined by the Secretary, of the Allegheny National Recreation River by recommending development guidelines for new commercial or industrial uses.

(c) ADMINISTRATION OF CERTAIN SEGMENTS.—(1) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segments located between Kinzua Dam and Alcorn Island shall be added to and become part of the Allegheny National Forest.

(2) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segment located between Franklin and Emlenton may be managed under a cooperative agreement with the State of Pennsylvania.

(d) ACQUISITION OF LAND AND MINERAL RIGHTS.—The authority of the Secretary to acquire lands and mineral rights outside the boundary of the Allegheny National Forest for purposes of managing the Allegheny National Recreation River is limited to acquisition by donation or with the consent of the landowner. The Secretary may acquire scenic easements for the purposes of managing the river.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. SPECTER. Mr. President, today I am pleased to join Senator HEINZ in introducing legislation to designate certain segments of the Allegheny River of Pennsylvania as a part of the National Wild and Scenic Rivers System. Management of these portions of the Allegheny under the Wild and Scenic Rivers program will help preserve the outstanding scenic, recreational, historic, and ecological values of the Allegheny River.

In this country we continue to struggle to achieve an appropriate balance in our approach to the environment, one which will allow man to develop a long-term, productive relationship with the natural world.

The Wild and Scenic Rivers System represents a balanced approach to land management that allows for productive interaction between man and nature. This program affords the people of this country the opportunity to enjoy fully the natural values of rivers such as the Allegheny while ensuring the long-term preservation of those values so that future generations may enjoy the same benefits.

This legislation, a companion to a bill originally introduced by Representative BILL CLINGER which has the cosponsorship of the entire Pennsylvania House delegation, has been developed through extensive consultation with the Forest Service, local and county governments, and members of the public. Numerous hearings were held in communities along the Allegheny, giving citizens an opportunity for significant input into the proposed designations. One of the most important provisions of this legislation provides for the use of locally appointed committees to determine land use policy. These committees will include Forest Service officials, representatives from the Pennsylvania Department of Environmental Resources, riparian property owners from the impacted areas, and members appointed by the county commissioners of the affected counties. This will ensure that local citizens will have input into the final land management plan approved by the Secretary of Agriculture.

Mr. President, this legislation represents another small but important step in our efforts to preserve, protect, and enhance the natural heritage and beauty of our great Nation. I am proud to join my colleague from Pennsylvania in sponsoring this important legislation to make further contributions to the Wild and Scenic Rivers program which benefits not only Pennsylvanians, but also citizens all across our country. Accordingly, I urge my colleagues to join me in supporting this legislation.

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By Mr. COCHRAN (for himself, Mr. DURENBERGER, Mr. COATS, Mr. BYRD, Mr. BUMPERS, Mr. PRYOR, Mr. GRAMM, Mr. NUNN, Mr. BOND, Mr. WARNER, Mr. LOTT, Mr. GARN, Mr. HEFLIN, Mr. DANFORTH, Mr. DOLE, Mr. LUGAR, Mr. BENTSEN, Mr. SIMPSON, Mr. ROBB, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. KASTEN, Mr. THURMOND, Mr. JOHNSTON, Mr. FOWLER, Mr.

BOSCHWITZ, Mr. ROCKEFELLER, Mr. SHELBY, Mr. CHAFEE, Mr. HOLLINGS, Mr. BREAUX, Mr. JEFFORDS, Mr. GORE, Mr. REID, Mr. BURDICK, Mr. WALLOP, Mr. MACK, Mr. MCCAIN, Mr. SPECTER, Mr. SYMMS, Mr. GRAHAM, Mr. SANFORD, Mr. PELL, Mr. SASSER, Mr. DIXON, Mr. HELMS, Mr. WILSON, Mr. MCCLURE, Mr. FORD, Mr. GRASSLEY, Mr. DECONCINI, and Mr. MCCONNELL):

S.J. Res. 366. Joint resolution to designate March 30, 1991, as "National Doctor's Day"; to the Committee on the Judiciary.

NATIONAL DOCTOR'S DAY

● Mr. COCHRAN. Mr. President, today I reintroduce a joint resolution designating March 30, 1991, as "National Doctor's Day." Because we were unable to get "Doctor's Day" designated in time for the March 30, 1990, celebration, I am introducing a revised joint resolution for continued recognition of the invaluable contribution physicians have made to the Nation and continue to make in our daily lives.

Physicians promote the science and art of medicine and the betterment of public health. Through their efforts—in practice, research, teaching, and medical administration—the discoveries and applications of medical science and medical knowledge become real for each of us.

Approximately 586,000 physicians in the 37 specialities practice medicine in the United States today, each playing an important role in meeting America's medical needs. We all have felt the comfort of receiving care from a trusted family doctor and the confidence of having unusual medical questions answered by competent specialists.

Doctor's Day was first observed regionally on March 30, 1935, when it was begun by the Southern Medical Association in St. Louis, MO. Since then, it has been observed yearly in many States to show appreciation for the role of physicians in caring for the sick, advancing medical knowledge, and promoting improved public health. Recognition of March 30, 1991, as "National Doctor's Day" would add significantly to this fine tradition.

I am pleased to sponsor this joint resolution, and I hope other Senators will support its passage.●

By Mr. BOND (for himself, Mr. BRADLEY, Mr. CRANSTON, Mr. GLENN, Mr. LEVIN, Mr. KERRY, Mr. DIXON, Mr. FOWLER, Mr. BENTSEN, Mr. CONRAD, Mr. SIMON, Mr. MOYNIHAN, Mr. SARBANES, Mr. PELL, Mr. BURDICK, Mr. HOLLINGS, Mr. SHELBY, Mr. SASSER, Mr. GORE, Mr. ADAMS, Mr. SANFORD, Mr. LAUTENBERG, Mr. BAUCUS, Mr. INOUYE, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. COATS, Mrs. KASSEBAUM, Mr. DOMENICI, Mr. D'AMATO, Mr. DURENBERGER, Mr. DANFORTH, Mr. GRASSLEY, Mr. HUMPHREY, Mr. BURNS, Mr. ARMSTRONG, Mr. STEVENS, Mr. CHAFEE, Mr. WILSON, Mr. JEFFORDS, Mr. HELMS, Mr. HATCH, Mr. WALLOP, Mr. DOLE, Mr. MACK, Mr. GORTON, Mr. LUGAR, and Mr. HEINZ):

S.J. Res. 367. Joint resolution to designate the week of November 11 through 17, 1990, as "Gaucher's Disease Awareness Week"; to the Committee on the Judiciary.

GAUCHER'S DISEASE AWARENESS WEEK

● Mr. BOND. Mr. President, today I am introducing a joint resolution to designate the week of November 11 through 17, 1990, as "Gaucher's Disease Awareness Week."

Gaucher's disease is a rare hereditary condition that attacks living cells and affects their metabolic functions. The deficiency caused by Gaucher's disease results in the enlargement of the spleen, damage to the liver, skin discoloration, pink eye, and bone lesions. The disease occurs when the body fails to produce an essential enzyme that normally breaks down or metabolizes a body chemical. It is a debilitating and chronic disease most common among those of Jewish heritage.

Fortunately, the Food and Drug Administration is approaching the final stage in granting full approval for Ceredase, the first treatment for Gaucher patients. This is encouraging news for the approximately 5,000 chronic Gaucher's disease sufferers in the United States. However, because of the difficulty and expense of producing this substance, supplies will be extremely limited.

The joint resolution I am introducing today calls for national attention to focus on Gaucher's disease the week of November 11, 1990. The resolution also recognizes the contributions made by the National Gaucher's Disease Foundation. I am hopeful that with continued research we will someday see a cure for Gaucher's disease.

Fifty Senators have already joined me in cosponsoring this resolution and I would like to thank them for their support. I highly encourage all my colleagues who have not joined me in support of this resolution to do so.●

## ADDITIONAL COSPONSORS

S. 1400

At the request of Mr. KASTEN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1400, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] 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. 2198

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2198, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 2246

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2246, a bill to amend title XVIII of the Social Security Act to provide improved Medicare home health benefits, and for other purposes.

S. 2489

At the request of Mr. LEAHY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2489, a bill to improve the nutritional health of needy Americans, to provide emergency food assistance, to authorize several vital nutrition programs, and for other purposes.

S. 2653

At the request of Mr. BURNS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2653, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 2813

At the request of Mr. GRAHAM, the names of the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. SANFORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Georgia [Mr. FOWLER], the Senator from Nevada [Mr. REID], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2813, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1992 Olympic Games.

S. 2819

At the request of Mr. MOYHINAN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2819, a bill to amend

title XVIII of the Social Security Act to provide coverage of services rendered by community mental health centers as partial hospitalization services, and for other purposes.

S. 2831

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2831, a bill to amend the Age Discrimination in Employment Act of 1967 to extend the protections of such act to employee benefits in a manner that permits and encourages employee benefit arrangements that are beneficial to employees generally, including older workers, and for other purposes.

S. 2844

At the request of Mr. MITCHELL, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. EXON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 2844, a bill to amend the Public Health Service Act to provide for the establishment, with State loan repayment programs, of demonstration programs to recruit and train physicians and other health care personnel to provide medical services in rural communities, and for other purposes.

S. 2901

At the request of Mr. PRYOR, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. HARKIN], the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Dakota [Mr. BURDICK], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of S. 2901, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes.

S. 2902

At the request of Mr. PRYOR, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Hawaii [Mr. INOUYE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2902, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church and welfare benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 2921

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2921, a bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 3021

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Arizona [Mr. MCCAIN], were added as cosponsors of S. 3021, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 3035

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 3035, a bill to protect the national security by prohibiting profiteering of essential commodities during periods of national emergency.

S. 3051

At the request of Mr. PRESSLER, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from North Carolina [Mr. HELMS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 3051, a bill to reduce the pay of Members of Congress corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order.

SENATE JOINT RESOLUTION 342

At the request of Mr. SIMON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Michigan [Mr. LEVIN], the Senator from Tennessee [Mr. SASSER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Dakota [Mr. CONRAD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. WILSON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Wisconsin [Mr. KOHL], the Senator from South Dakota [Mr. DASCHLE], the Senator from Florida [Mr. MACK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 342, a joint resolution designating October 1990 as "Ending Hunger Month."

SENATE JOINT RESOLUTION 346

At the request of Mr. BOSCHWITZ, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 346, a joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America."

SENATE JOINT RESOLUTION 347

At the request of Mr. BURNS, the names of the Senator from California [Mr. CRANSTON], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. MOYNIHAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Ms. MIKULSKI], the Senator from North Dakota [Mr. CONRAD], the Senator from Nevada [Mr. BRYAN], the Senator from Georgia [Mr. NUNN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Montana [Mr. BAUCUS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from California [Mr. WILSON], the Senator from Indiana [Mr. COATS], the Senator from Florida [Mr. MACK], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. MCCLURE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 347, a joint resolution designating April 7 through 13, 1991, as "National County Government Week."

SENATE RESOLUTION 296

At the request of Mr. ROTH, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Mississippi [Mr. LOTT], the Senator from Illinois [Mr. SIMON], and the Senator from Oregon [Mr. PACKWOOD], were added as cosponsors of Senate Resolution 296, a resolution to express the sense of the Senate the support of Taiwan's membership in the General Agreement on Tariffs and Trade.

## AMENDMENTS SUBMITTED

## OLDER WORKERS BENEFIT PROTECTION ACT

### HATCH AMENDMENT NO. 2667

Mr. HATCH proposed an amendment to the bill (S. 1511) 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; as follows:

At the end of the amendment add the following new section:

"SEC. . Exemption for employee benefit practices applied to the federal sector.

"(a) Notwithstanding any other provision of title I or the amendments to this title, no provision of any employee benefit program,

plan, or arrangement operated by any department, agency, or entity of any State or local government or any nongovernmental employee shall be deemed in violation of this title or the amendments of this title if a similar program, plan, or arrangement is in effect for any employee of the United States Government or any Federal employee benefit plan or program.

"(6) The Secretary of Labor, in consultation with the Equal Employment Opportunity Commission, the Office of Personnel Management, and the States, shall issue regulations specifying the provisions of this title."

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES AUTHORIZATION ACT

### BIDEN AMENDMENT NO. 2668

Mr. METZENBAUM (for Mr. BIDEN) proposed an amendment to the bill (H.R. 3897) to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes, as follows:

On page 2, line 4, beginning with "$2,150,000" strike out all through the period on line 6, and insert in lieu thereof: "$2,100,000 for fiscal year 1991, $2,200,000 for fiscal year 1992, $2,300,000 for fiscal year 1993, and $2,400,000 for fiscal year 1994.".

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Monday, September 17, 1990 at 2 p.m. to receive testimony on the national security implications of nuclear testing agreements.

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

COMMITTEE ON THE JUDICIARY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 17, 1990, at 10 a.m., to hold a hearing on the nomination of David H. Souter, to be Associate Justice of the Supreme Court of the United States.

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

## ADDITIONAL STATEMENTS

### CLEAN AIR CONFERENCE COMMITTEE

● Mr. LIEBERMAN. Mr. President, as the members of the clean air conference committee begin discussions on the provisions relating to motor vehicles, we again have received evidence of the potentially lethal effect of carbon monoxide, which is emitted primarily from cars and trucks.

In a major study reported recently in the Annals of Internal Medicine, doctors report that levels of carbon monoxide sometimes experienced by urban dwellers in the normal course of their outdoor exercise can lead to fatalities in patients with cardiac disease.

The study concludes that "environmental exposure to carbon monoxide under certain (urban) circumstances might actually precipitate sudden death." While levels of carbon monoxide in the blood required to produce those effects are "relatively high," they could be encountered under certain common city circumstances.

This means, according to the experts, that heart patients should not exercise in areas with high pollution, such as jogging trials along highways.

Nine million Americans suffer from heart disease. What is particularly disturbing is that many of these Americans have been told recently that they should exercise because it will prolong their lives. Now, we have evidence that in high-pollution areas this exercise may have exactly the opposite effect.

Mr. President, this recent news should serve as a graphic reminder as the conference on the Clean Air Act proceeds that carbon monoxide can kill. I urge the conferees to accept the tough standards established in the Senate bill for regulation of motor vehicles, which produce up to 90 percent of all carbon monoxide.●

### TRIBUTE TO WILLIAM J. DUNN

● Mr. LUGAR. Mr. President, on the morning of September 2, 1945, aboard the U.S.S. *Missouri* afloat in Tokyo Bay, Gen. Douglas MacArthur accepted the unconditional surrender of the Japanese Empire. Perched upon one of the ship's massive gun turrets in order to report this formal end to World War II was William J. Dunn, a fellow Hoosier and undeniably one of the most esteemed war correspondents covering the war in the Pacific Ocean. Nearly 5 years in the field brought Bill Dunn to that climatic moment.

Born the son of a Methodist minister in the small town of Rosedale, IN, a young Bill Dunn would quit his $18 a week job at a South Bend soda fountain to become a high school sports reporter for the local newspaper. After many successful years in journalism, Dunn was named the first U.S. radio correspondent for CBS News assigned to the Far East. His assignments made him an unofficial expert in the region.

William Dunn covered the entire battle for Java and The Netherlands East Indies. And when Japanese forces overran Java, causing a pullout of American forces, Bill Dunn was one of a handful of correspondents stranded there. He was able to escape the island aboard a Dutch freighter, the MS *Janssens*, which set sail for Freemantle, Australia. Those on board endured both a broken ship's rudder and being trailed by an enemy submarine. After the ship was attacked by Japanese Zero bombers, the entire Indonesian crew elected to be put back ashore on Java. The balance of the journey had to be made with remaining Dutch naval personnel, wounded U.S. sailors from the U.S.S. *Marblehead* and passengers such as Dunn who volunteered for crew duty.

After successful docking in Australia, Dunn was assigned to cover General MacArthur's command and waded ashore beside the general during the landing at Red Beach, Leyte.

Before he finished, William Dunn would travel the world, endure extreme conditions, and log more hours covering Pacific events than any other correspondent. He interviewed hundreds of civilians, servicemen, military commanders, and government emissaries, including the likes of Douglas MacArthur, Chiang Kai-shek, and Chou En-lai.

Yet according to his loyal friends, Bill Dunn has never forgotten his Indiana roots and in his early eighties has completed his memoirs of the war in the Pacific based on nearly 1,000 broadcast scripts, the originals of which are now housed in the University of Notre Dame archives in his hometown of South Bend, IN.

It is for these reasons that I take this opportunity to honor native Hoosier, patriotic American, and one of this Nation's most respected war journalists, William J. Dunn.●

### CONGRATULATIONS TO THE BOYNTON ELEMENTARY SCHOOL

● Mr. FOWLER. Mr. President, I congratulate the Boynton Elementary School of Ringgold, GA, on its well-deserved honor the National School of Excellence Award given by the Department of Education.

Boynton Elementary School was selected through the Department of Education's Blue Ribbons Schools Program, a national school improvement strategy that identifies unusually successful schools. Boynton competed against all kinds of schools for this honor: Public and private schools; inner city, suburban and rural; consistently high achieving and improving; and schools in both affluent and financially struggling districts.

The Blue Ribbon Schools Program has been in operation for 8 years. Since 1982, close to 2,000 schools have been identified and recognized nationally. The Georgia Department of Education nominated Boynton and in turn a review panel consisting of prestigious educators and noneducators with a

strong commitment to educational excellence screened all 497 nominations.

Schools are judged on a number of research-based criteria such as visionary leadership; sense of shared purpose among faculty, students, parents, and community; and a climate that is conducive to effective teaching and teacher growth and recognition.

In light of the current status of education in America, I hope other schools will strive to emulate the high standards of excellence of Boynton Elementary School. My congratulations to Sharon Brock, the faculty and administration, and the students on achieving this distinction.●

## A COMMITMENT TO FIRE SAFETY

● Mr. SIMON. Mr. President, I would like to bring to the attention of my colleagues the achievements of First Alert, an Illinois based company that is the world's largest manufacturer of home fire safety products.

This year, First Alert, which is the trade name used by BRK Electronics, will celebrate its 20th anniversary in business. In addition, this fall they will manufacture their 100 millionth smoke detector.

Twenty-six years ago, BRK Electronics began developing a commercial smoke detector. Within 4 years they began designing a self-contained, battery-operated smoke detector for residential use. These residential smoke detectors were the first to pass the stringent tests of Underwriter's Laboratories.

In 1970, Pittway Corp. purchased BRK from its original owners and began an intense development program to produce a wide range of smoke detectors both for commercial and residential use. Soon after, major retail companies began to carry BRK battery-operated units.

Not only was BRK the pioneer for further market development in the smoke detector industry, they were the first, and still the only, smoke detector manufacturer to increase our fire safety awareness by advertising on national television.

BRK has become the world's largest smoke detector manufacturer by catering to over 32 countries worldwide. It is still the only significant smoke detector manufacturer based in the United States. Besides making us safer with smoke detectors they have also successfully manufactured a full line of residential fire extinguishers, rechargeable flashlights and lanterns, lighting and timing devices, passive infrared motion detectors, radon testing kits, 9-volt batteries, and industrial time switches.

First Alert has set a goal of making the 1990's a fire-free decade. Clearly this fine company has devoted itself to the prevention of fire deaths and damage. I am grateful for the work First Alert has done and proud to have them as an Illinois-based company.●

## THE PLIGHT OF REFUGEES FROM KUWAIT AND IRAQ

● Mr. SIMON. Mr. President, the victims of Iraq's illegal and unconscionable invasion and occupation of Kuwait number in the millions. They include American and other Western hostages who must be freed unconditionally and immediately, the Kuwaiti people who now suffer under a foreign and, by all accounts brutal rule, and the hundreds of thousands of foreign workers now stranded on the borders of Jordan and Turkey.

These foreign workers, many of whom are Indians, Pakistanis, Sri Lankans, Bangladeshis, and Filipinos, are in particularly bad shape. We have all seen them on television, camped out in the desert in tents—or worse—deprived of the basic necessities of life, including water and food.

The home governments of these displaced persons bear the first responsibility for aiding and repatriating their citizens. It is an enormous and urgent task for governments that are already under severe fiscal strain. This strain has been made worse by the loss of financial remittances from their citizens in the Persian Gulf. These nations ought to do their utmost in this urgent humanitarian endeavor.

Their plight, however, is an international tragedy, deserving broad international assistance. Support from the United Nations is necessary and commendable. Our own Government is assisting through contributions to the International Organization for Migration. In addition, I am pleased to note that Americans originally from these countries are helping; I would like to single out the Federation of India Associations of Chicago which has established a gulf relief fund. This sort of voluntary assistance is in the great tradition of American aid to those in need.

Kuwait and Saudi Arabia have already pledged to pay a substantial portion of the Desert Shield costs and to assist nations adversely affected by the U.N.-mandated trade embargo. They and other gulf nations should also contribute funds to the governments of those nations with large numbers of guest workers to be repatriated. Such funds should be designated for the express purposes of transporting these persons back to their homelands and of assisting their resettlement. Together, the nations of the world can alleviate the plight of these refugees, and show their compassion for these victims of Saddam Hussein.●

## SEVEN MINNESOTA ELEMENTARY SCHOOLS RECEIVE AWARDS

● Mr. BOSCHWITZ. Mr. President, I rise today to congratulate seven elementary schools in Minnesota as they receive a well-deserved and respected honor, the National Schools of Excellence Award given by the Department of Education. These outstanding Minnesota schools are Aquilla Primary Center in St. Louis Park, Cedar Island Elementary in Maple Grove, Dassel Elementary in Dassel, Sonnesyn Elementary in New Hope, Hayes Elementary in Fridley, Oak Park in Stillwater, and the Blake Schools in Hopkins.

These schools were selected through the Department of Education's Blue Ribbon Schools Program, a national school improvement strategy that identifies unusually successful schools. Aquilla, Cedar Island, Dassel, Sonnesyn, Hayes, Oak Park, and Blake competed against all kinds of schools for this honor: public and private schools; inner city, suburban, and rural; consistently high achieving and improving; and schools in both affluent and financially struggling districts.

The Blue Ribbon Schools Program is 8 years old. Since 1982, close to 2,000 programs have been identified and recognized nationally under this program.

Schools are judged on a number of criteria such as visionary leadership; sense of shared purposes among faculty, students, parents, and community; and a climate that is conducive to effective teaching, teacher growth, and recognition.

In light of the current status of education in America, I hope other schools will follow the high standards of excellence of these fine Minnesotan institutions. Again, Mr. President, I extend my hearty congratulations to the faculty, administration, and students of these excellent schools.●

## LINGUISTIC ISOLATION

● Mr. SIMON. Mr. President, the massive foreign language deficiency we have in our educational system is a concern of the military, and it is a concern of people in the business community.

Recently, in the bulletin of the Council of State Governments was a column by their editor, Dag Ryen: "Facing the one-two punch in Europe." The article reinforces the argument for this need.

We really have to be doing much better than we are now doing.

Next year, we will reauthorize the Higher Education Act, and my hope is that we can put some stimulus into it to move in a more constructive direction.

I ask to insert the Dag Ryen piece into the RECORD.

The article follows:

FACING THE ONE-TWO PUNCH IN EUROPE

Sweeping changes are taking place in Europe, changes that are likely to set the tone for international economic affairs over the next several decades. Democratic reforms in Eastern Europe and the culmination of Western European integration in 1992 will create a new economic order, the potential consequences of which stagger the imagination.

Americans are awakening to the magnitude of these changes. Government and business leaders are eager to establish contacts with potential European partners, looking for new markets and investment ideas.

But in many ways, Americans are late entries in this race for economic opportunity. The doors to trade with Eastern Europe have been inching open for years. Bolstered in part by more than $10 billion in exports to the Soviet Union and Eastern Europe, West Germany has surpassed the United States as the world's number one exporting nation.

If the United States wants to be a player in the European game, it will take some doing. Most importantly, our business and government leaders will have to develop the skills and expertise to deal with the complex bureaucracies, diverse ethnic backgrounds and, at times, sophisticated political structures of an increasingly powerful Europe. We have a long way to go.

Let's face it. Most Americans don't know where Eastern Europe ends and Western Europe begins. Our understanding of the history, languages or culture of the European states leaves a lot to be desired. Yet that kind of understanding is exactly what is needed to develop mutually beneficial relations.

Whether the states individually or the United States as a whole can capitalize on developments in Europe depends in large part on whether we can overcome our shortcomings. The European nations have special needs, priorities and tastes. Anyone who understands the unique requirements of each nation stands a better chance of success.

Let's consider a few examples where improving our knowledge base could help our position in Europe. The most important is language. Unfortunately, foreign language instruction in the United States lags far behind other major industrialized nations. To make matters worse, second and third generation Americans have not been very good at maintaining their heritage, reducing a potential source of language and cultural expertise.

Norwegians commonly joke that there are more of them in the United States than in Norway. Yet barely 3 percent speak fluent Norwegian. Many U.S. cities boast a sizable Polish community. In fact the 1980 census identified 8.2 million Americans of Polish extraction. But less than 10 percent actually speak Polish.

Another common pitfall is the tendency to lump European countries together, ignoring individual strengths and weaknesses. Shortages of various commodities are common, but vary from country to country and from region to region. U.S. television news teams in Moscow are fond of juxtaposing empty meat shelves with the long lines outside the new McDonald's. Yet the Soviet Union's population on the whole is well fed. According to a recent UNICEF report, the Soviet people have available to them 128 percent of their daily per capita calorie requirement. The comparable figure for the United States is 140 percent.

In the UNICEF listing, Czechoslovakia ranks ahead of the United States at 143 percent. Other meat shortages notwithstanding, Czechoslovakia has the fourth largest per capita pork consumption in the world.

Finally, it is important for us to be sensitive to the history of the European continent. Considering the cataclysmic forces that enveloped Europe in 1939, it is ironic that some American grade school textbooks still give the dates of World War II as 1941-45.

In these and other ways, Americans harbor potentially damaging false impressions about the European continent and its people. In dealing with European leaders during the critical years ahead, it will be doubly important to understand their needs and their perspective on international developments.

State and national leaders are to be commended for their courage in taking on this tremendous challenge. But they better do their homework.

In keeping with the trend toward international political harmony, President Bush has called for a gentler, kinder nation. However, if we are to protect our position as an important contributor to the international economy, we must also become a wiser, more cosmopolitan nation.—DAG RYEN.●

## MEASURE HELD AT DESK—H.R. 5400

Mr. METZENBAUM. Mr. President, I ask unanimous consent that H.R. 5400, the campaign finance bill, be held at the desk until the close of business Tuesday, September 18.

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

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES AUTHORIZATION ACT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 823, H.R. 3897 reauthorizing the Administrative Conference.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3897) to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2668

(Purpose: To modify the authorization of appropriations for the Administrative Conference of the United States)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for Mr. BIDEN, proposes an amendment numbered 2668.

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

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

The amendment is as follows:

On page 2, line 4, beginning with "$2,150,000" strike out all through the period on line 6, and insert in lieu thereof: "$2,100,000 for fiscal year 1991, $2,200,000 for fiscal year 1992, $2,300,000 for fiscal year 1993, and $2,400,000 for fiscal year 1994.".

Mr. BIDEN. Mr. President, on July 12, 1990, the Committee on the Judiciary favorably reported S. 2224, a bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994. At that time, the committee also reported H.R. 3897, a companion bill passed by the House. I rise today to offer an amendment to this legislation and to encourage its passage.

The Administrative Conference has been in existence since 1968. For more than 20 years, the Conference has studied the fairness and efficiency of the administrative procedures used by Federal agencies and has made recommendations to Congress and the President for the improvement of those procedures.

No other entity engages in the work performed by the Administrative Conference. Its unique studies often result in recommendations that save the Federal Government significant amounts of money by eliminating or reforming wasteful procedures used by executive branch agencies. It is worth noting that the Administrative Conference has effectively performed this valuable service despite being one of our smallest Federal agencies.

Mr. President, the amendment I offer today would reduce by small amounts the annual authorization ceilings contained in the legislation as introduced. The Judiciary Committee believes that the funding levels set forth in this amendment are more in keeping with current concerns about Government spending and the Federal budget deficit.

As amended, this legislation will continue to provide the Conference with adequate funding. The $2.1 million authorized for this coming year will allow the Administrative Conference to receive the full amount of the appropriation it has requested for fiscal year 1991 and to meet its statutorily mandated salary and benefit increases without any reduction in spending on current programs. Moreover, the Conference's funding ceiling will be increased each of the 4 years of the authorization period.

In closing, I would like to mention an issue that merits the continued at-

tention of the Judiciary Committee. Congress has, in the past, enacted legislation directing the Administrative Conference to undertake special projects that could not be funded within the spending limits established by the Conference's authorization. In these instances, it has been necessary for Congress to provide a separate authorization so that the special project could be undertaken.

A question remains as to whether these independent authorizations should be replaced by higher general funding ceilings. The committee intends to revisit this issue in accordance with its oversight function.

Mr. President, I urge by colleagues to join me in supporting the reauthorization of the Administrative Conference.

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

The amendment (No. 2668) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3897), as amended, was passed.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Calendar No. 820, the Senate companion bill, be indefinitely postponed.

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

## NATIONAL RED RIBBON WEEK FOR A DRUG-FREE AMERICA

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 346 designating "National Red Ribbon Week;" that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table and the preamble be agreed to.

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

The joint resolution (S.J. Res. 346) and its preamble are as follows:

S.J. RES. 346

Whereas alcohol and other drug abuse has reached epidemic proportions and is of major concern to all Americans;

Whereas alcohol and other drug abuse is a major public health threat and is one of the largest causes of preventable disease, disability, and death in the United States today;

Whereas alcohol and other drug abuse costs the United States nearly $100,000,000,000 each year;

Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status, as evidenced by the fact that—

(1) 23,000,000 Americans age 12 and over currently use illicit drugs;

(2) a nationwide Weekly Reader survey revealed that, of the 68,000 fourth graders polled, 34 percent reported peer pressure to try wine coolers, 41 percent to smoke, and 24 percent to use crack or cocaine; and

(3) Americans age 15 to 24 have a higher rate of deaths due to accidents, homicides, and suicides, many of which are related to drug and alcohol abuse, than any other age group;

Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat it;

Whereas the United States must continue the important strides made to combat alcohol and other drug abuse;

Whereas the most recent national polls reveal that—

(1) the United States has made progress in combating alcohol and other drug abuse;

(2) there has been a steady decline in the reported use of marijuana on a daily basis by high school seniors since 1979;

(3) marijuana use among high school seniors was at its lowest level in 11 years in 1987;

(4) there was a significant drop in the use of cocaine in 1987; and

(5) the number of high school seniors associating great risk with trying cocaine once or twice rose from 34 percent in 1986 to 48 percent in 1987;

Whereas illicit use of stimulants and sedatives continues to decline among high school seniors, college students, and young adults in general;

Whereas public opinion polls demonstrate that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps to fight it;

Whereas the National Federation of Parents for Drug-Free Youth has declared October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America", has organized the National Red Ribbon Campaign to coordinate the week, has established the theme "Line Up to Sign Up for a Drug-free Decade" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parents and community groups across the country;

Whereas other outstanding groups and agencies, including the Parents Communication Network, the National Crime Prevention Council, the Federal Bureau of Investigation of the Department of Justice, the United States Conference of Mayors, the National Governors' Association, the Chiefs of Police Drug Task Force, Congressional Families for Drug Free Youth, the Parents' Resource Institute on Drug Education (PRIDE), the Outdoor Advertising Association of America, the National Association of State Alcohol and Drug Abuse Directors, Just Say No International, the Corporation Against Drug Abuse (CADA), the National Association of Broadcasters, the National School Boards Association, the Washington Regional Alcohol Program (WRAP), the National Prevention Network, the Office for Substance Abuse Prevention of the Department of Health and Human Services, the National Parents and Teachers Association, the General Federation of Women's Clubs, the American Council for Drug Education, Youth to Youth, the Drug Enforcement Administration of the Department of Justice, national youth organizations, and national service organizations, have demonstrated leadership, creativity, and determination in efforts to achieve a drug-free America;

Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush as national honorary chairpersons, and by a distinguished national advisory committee, including Bill Cosby, Tom Landry, Joan Lunden, Boone Pickens, and Peter Ueberroth;

Whereas any use of an illegal drug is unacceptable, and the illegal use of a legal drug cannot be tolerated; and

Whereas alcohol and other drug abuse destroys lives, spawns rampant crime, undermines our economy, and threatens our national security: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

(1) the period of October 20 through 28, 1990, is designated as "National Red Ribbon Week for a Drug-Free America";

(2) the President is authorized and directed to issue a proclamation calling on the people of the United States—

(A) to observe the week by holding meetings, conferences, and fundraising activities to support community and alcohol education, and with other appropriate activities, events, and educational campaigns; and

(B) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free lifestyle, and to develop an attitude of intolerance concerning the use of drugs; and

(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combatting the abuse of alcohol and other drugs.

## EMERGENCY MEDICAL SERVICES WEEK

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 568, designating "Emergency Medical Services Week," just received from the House.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 568) designating the week of September 16, 1990, as "Emergency Medical Services Week."

There being no objection, the joint resolution (H.J. Res. 568) was consid-

ered, ordered to a third reading, read the third time and passed.

The preamble was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 359, the Senate companion, and that the measure be then indefinitely postponed.

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

## EXECUTIVE SESSION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 968. Larry Brown, Jr., to be a member of the National Council on Disability;

Calendar 969. Helen W. Walsh, to be a member of the National Council on Disability;

Calendar 971. Bernard F. Burke, to be a member of the National Science Board;

Calendar 972. Thomas B. Day, to be a member of the National Science Board;

Calendar 973. James J. Duderstadt, to be a member of the National Science Board;

Calendar 974. Edwin D. Williamson, to be legal adviser of the Department of State;

Calendar 975. Robert F. Goodwin, to be a Commissioner on the part of the United States on the International Joint Commission;

Calendar 976. Joseph F. Glennon, to be a member of the Advisory Board for Cuba Broadcasting;

Calendar 977. Carolyn D. Leavens, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1990;

Calendar 978. Carolyn D. Leavens, to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Calendar 979. James D. Watkins, to be the representative of the United States of America to the 34th session of the general conference of the International Atomic Energy Agency;

Calendar 980. Richard T. Kennedy to be an alternate representative of the United States of America to the 34th session of the general conference of the International Atomic Energy Agency;

Calendar 981. Michael H. Newlin, to be an alternate representative of the United States of America to the 34th session of the general conference of the International Atomic Energy Agency;

Calendar 982. Kenneth M. Carr, to be an alternate representative of the United States to the 34th session of the general conference of the International Atomic Energy Agency;

Calendar 983. Tom C. Korologos, to be a member of the U.S. Advisory Commission on Public Diplomacy; and

All nominations placed on the Secretary's desk in the Foreign Service.

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

Mr. METZENBAUM. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NATIONAL COUNCIL ON DISABILITY

Larry Brown, Jr., of Maryland, to be a member of the National Council on Disability for a term expiring September 17, 1992.

Helen Wilshire Walsh, of Connecticut, to be a member of the National Council on Disability for a term expiring September 17, 1993.

NATIONAL SCIENCE FOUNDATION

Bernard F. Burke, of Massachusetts, to be a member of the National Science Board, National Science Foundation for a term expiring May 10, 1996.

Thomas B. Day, of California, to be a member of the National Science Board, National Science Foundation for a term expiring May 10, 1996.

James Johnson Duderstadt, of Michigan, to be a member of the National Science Board, National Science Foundation for a term expiring May 10, 1996.

DEPARTMENT OF STATE

Edwin D. Williamson, of South Carolina, to be Legal Adviser of the Department of State.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Robert F. Goodwin, of Maryland, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

EXECUTIVE OFFICE OF THE PRESIDENT

Joseph Francis Glennon, of Florida, to be a member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 1991.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Carolyn D. Leavens, of California, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1990.

Carolyn D. Leavens, of California, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993.

DEPARTMENT OF STATE

James D. Watkins, of California, to be the Representative of the United States of America to the 34th Session of the General Conference of the International Atomic Energy Agency.

Richard T. Kennedy, of the District of Columbia, to be an Alternate Representative of the United States of America to the 34th Session of the General Conference of the International Atomic Energy Agency.

Michael H. Newlin, of Maryland, to be an Alternative Representative of the United States of America to the 34th Session of the General Conference of the International Atomic Energy Agency.

Kenneth M. Carr, of California, to be an Alternate Representative of the United States of America to the 34th Session of the General Conference of the International Atomic Energy Agency.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Tom C. Korologos, of Virginia, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1993.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

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

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask unanimous consent that I might speak as in morning business.

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

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 3065 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## INTERSTATE TRANSPORT OF WASTE

Mr. HEINZ. Mr. President, last week, the Senate was debating Senator COATS' legislation on the interstate transport of waste, and we will return to that subject tomorrow. I rise at this point to make some comments on that legislation because, as I understand it, the time set aside for the debate, an hour, between the hours of 4 and 5 o'clock will, in fact, unfortunately, coincide with the conference on the housing bill, to which I am a conferee. So I wanted to share with my colleagues my observations on that amendment.

I do so, in fact, Mr. President, because I think it is true that our Nation is today engaged in a new war between the States, a garbage war created in

part by a capacity shortage that is reaching a crisis level. In the next 10 years, one-third of our landfill capacity will be full. They will be closed. At the same time, waste generation has increased by some 80 percent since 1969, just 20 short years ago.

Each of us on average throws away about 3.6 pounds of garbage every day. That does not sound like a lot, but it is enough to annually fill a convoy of 10-ton trucks, 145,000 miles long, when you count all the men, women and children in the United States. Let me repeat that. When we throw away, each man, woman, and child, the average of about 3.5 pounds of garbage each day, it is enough to annually fill a convoy of 10-ton trucks, 145,000 miles long, more than 7 times the circumference of the Earth.

Disposal capacity has, in fact, reached a critical point at a time when it is nearly impossible to site new disposal facilities. Nobody wants a landfill in their back yard. My State of Pennsylvania will run out of landfill capacity within 5 years and, as I indicated, we are not unique.

This landfill capacity crisis, Mr. President, has resulted in a relatively new commercial enterprise, one which has burdened our highways and byways with hundreds of thousands of huge garbage trucks crisscrossing this Nation looking for someplace to dump their loads, and that someplace tends to be in a State other than the State where the garbage was generated.

My home State of Pennsylvania faced, as we mentioned earlier, with its own capacity problems, is according to the Congressional Research Service, the second largest importer of waste in the Nation. That is not necessarily the way we wanted it, but that is the way it is working out.

I am not here to say that Pennsylvania does not export some trash, some garbage, some waste, but we do so at much smaller volumes than we receive them, and the point which is important, is that as long as our State is forced to accept tons and tons, indeed over 3.4 million tons last year alone, my State will be that much more crippled in its efforts to find capacity for our own waste. These volumes of out-of-State garbage are unpredictable; they are uncontrollable. That makes, at this point, any planning effort by our State on what comes in from others, absolutely futile. Good, solid, long-term planning is essential to solving our Nation's waste dispsoal problem.

Late last year, this Senator, together with my colleague, Senator SPECTER, introduced legislation which would require each State to create a comprehensive management plan to reduce the growing amount of waste in their own State and to lay out a strategy for managing the waste generated by their own citizens and businesses.

There are in the bill of the Senator from Indiana [Mr. COATS] similar planning requirements, and that is particularly appreciated. Such provisions are critically, indeed, absolutely essential to resolving our near crisis, protecting our environment and bringing an end to this increasing acrimony between neighbors.

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 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 and Members of the Senate, we are attempting to organize the Senate schedule in such a way as to permit the prompt and expeditious handling of the business before the Senate, as well as accommodate the schedules of the several Senators who are participating in the budget summit negotiations now ongoing at Andrews Air Force Base. I myself have participated in a few of those meetings, although most of them have occurred while I have been here, so I know from my own experience and also from discussing it with the Senators who are there on a full-time basis, that it is very important they be able to continue their deliberations and to minimize the time when they will have to return to vote. So I will shortly propound a unanimous-consent request, which has been cleared by the distinguished Republican leader, which is intended to change the times of several of the votes tomorrow so as to compress them into the shortest period of time to minimize the interruption for those Senators who will be at Andrews participating in those discussions on tomorrow.

Accordingly, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Tuesday, September 18; that the time for the two leaders be reserved for their use during the day; that there then be a period of morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each; that at 10:30 a.m. the Senate resume consideration of S. 1511, and at that time, 10:30 a.m., either Senator PRYOR or Senator METZENBAUM be recognized to offer a second-degree amendment to the pending Hatch amendment No. 2667; that there be 2 hours for debate on both the first- and second-degree amendments; that at the conclusion, or yielding back of that time, the Senate stand in recess to accommodate the respective party conferences until 2:15 p.m.; that the votes on the second-degree amendment and on the Hatch amendment, as amended, if amended, occur without any intervening action immediately upon the conclusion of the vote ordered to occur at approximately 2:25 p.m. on the executive Calender treaties; that no other second-degree amendments, other than the one mentioned in this consent agreement request, be in order to the Hatch amendment, that the previous consent for the completion of H.R. 5311, the D.C. appropriations bill, be altered so that it commences upon disposition of the Hatch amendment No. 2667 to the age discrimination bill.

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

## PROGRAM

Mr. MITCHELL. Mr. President, I will explain the schedule for tomorrow as now agreed upon.

From 10 to 10:30 tomorrow morning, there will be a period for morning business. Between 10:30 and 12:30 p.m., there will be debate on a second-degree amendment which will be offered at 10:30 by either Senator PRYOR or Senator METZENBAUM to the pending Hatch amendment to the age discrimination bill, S. 1511.

Following completion of that debate, which is expected to be completed at about 12:30, the Senate will recess for the party conferences until 2:15 p.m.

At approximately 2:25 p.m., under a prior order, the Senate will vote on Executive Calendar treaties.

Immediatly upon the completion of that vote, the Senate will vote on the second-degree amendment to the Hatch amendment, that is, on the amendment to be offered by Senator PRYOR or METZENBAUM.

Upon the completion of that vote, the Senate will vote on the Hatch amendment, as amended, if amended. Upon the completion of the vote on the Hatch amendment, the Senate will return to consideration of the D.C. appropriations bill. Under that previous order, there will then be 1 hour of debate on the Coats amendment to that bill. Upon the completion of that debate or the yielding back of that time, there will then occur a vote on the Coats amendment to the D.C. appropriations bill, to be followed by a vote immediately thereafter on final passage of the D.C. appropriations bill.

So the sequence will involve a series of votes, first on Executive Calendar treaties, then on the Pryor-Metzenbaum amendment to the Hatch amendment to the age discrimination bill, then on the Hatch amendment to the age discrimination bill, then fol-

lowing a brief period of debate on the Coats amendment to the D.C. appropriations bill, and then on the D.C. appropriation bill itself.

Depending upon the length of time used for the Coats amendment debate, this should all be compressed into a period of approximately 2 hours tomorrow afternoon, and we will attempt tomorrow afternoon to further reduce that period of time with the cooperation of the interested Senators.

I thank all Senators for their cooperation because it is important that we organize this schedule in a way that accomplishes both of the objectives I stated at the outset.

Mr. President, for the record, I want to make one modification to my earlier statement. Under the previous order with respect to the D.C. appropriations bill, the Coats amendment is itself an amendment to a Nickles amendment to the bill. Upon the completion of the Coats amendment, the Nickles amendment would have to be disposed of. I understand that is expected to occur by a voice vote since the relevant and substantive issue involved is contained in the Coats amendment.

So there will be no misunderstanding, we will have to dispose of the Nickles amendment upon the completion of the Coats amendment prior to proceeding to the final passage of the D.C. appropriations bill, but that should be just a voice vote that will only take a few moments.

Mr. President, I want to thank again all of the Senators, several of them, whose participation in gaining this agreement and consent had to be obtained. I thank them for their consideration, as well as the distinguished Republican leader with whom we have consulted in organizing this schedule.

## RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. tomorrow, Tuesday, September 18.

There being no objection, the Senate, at 7:20 p.m., recessed until Tuesday, September 18, 1990, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 17, 1990:

### DEPARTMENT OF STATE

LEONARD H.O. SPEARMAN, SR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

THE FOLLOWING-NAMED PERSONS TO BE REPRESENTATIVES AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE FORTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

REPRESENTATIVES:

THOMAS R. PICKERING, OF NEW JERSEY.
ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS.

ALTERNATE REPRESENTATIVES:

JONATHAN MOORE, OF MASSACHUSETTS.
JACOB STEIN, OF NEW YORK.
SHIRIN R. TAHIR-KHELI, OF PENNSYLVANIA.
MILTON JAMES WILKINSON, OF NEW HAMPSHIRE.

### INTER-AMERICAN FOUNDATION

JAMES R. WHELAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994, VICE HAROLD K. PHILLIPS, TERM EXPIRED.

### DEPARTMENT OF THE TREASURY

JOHN MICHAEL MERCANTI, OF PENNSYLVANIA, TO BE ENGRAVER IN THE MINT OF THE UNITED STATES OF PHILADELPHIA, PENNSYLVANIA, VICE ELIZABETH JONES, RESIGNED.

### MARINE MAMMAL COMMISSION

PAUL K. DAYTON, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR THE TERM EXPIRING MAY 13, 1992, VICE WILLIAM W. FOX, JR., RESIGNED.

### NATIONAL COUNCIL ON DISABILITY

MARY ANN MOBLEY-COLLINS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1991, VICE JONI TADA, TERM EXPIRED.

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, AND APPOINTMENT AS SENIOR AIR FORCE MEMBER, MILITARY STAFF COMMITTEE OF THE UNITED NATIONS, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

*To be lieutenant general*

MAJ. GEN. CHARLES A. MAY, JR., [redacted] UNITED STATES AIR FORCE.

*In the navy*

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be admiral*

ADM. POWELL F. CARTER, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be admiral*

VICE ADM. PAUL D. MILLER, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

VICE ADM. ROGER F. BACON, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

REAR ADM. HENRY G. CHILES, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM A. DOUGHERTY, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), AND TO BE APPOINTED AS SENIOR NAVY MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 711:

*To be vice admiral*

REAR ADM. LEIGHTON W. SMITH, JR., U.S. NAVY, [redacted]

*In the air force*

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

### LINE OF THE AIR FORCE

*To be lieutenant colonel*

MAJ. CHARLES O. BARRY III, [redacted] 6/14/90
MAJ. HUGH T. BROOMALL, [redacted] 6/20/90
MAJ. DONALD A. BUBB, [redacted] 4/23/90
MAJ. ROBERT A. CRON, [redacted] 6/14/90
MAJ. JUSTIN W. FISHER, [redacted] 6/26/90
MAJ. WILLARD G. HILL, [redacted] 6/1/90
MAJ. JOHN C. HOFFMAN, [redacted] 6/27/90
MAJ. IVAN B. KELLY, [redacted] 5/22/90
MAJ. LEONARD C. KESSELRING JR., [redacted] 6/15/90
MAJ. GARY D. LANHAM, [redacted] 6/2/90
MAJ. RICHARD L. MCCULLOUGH, [redacted] 5/15/90
MAJ. MICHAEL A. PORTELE, [redacted] 7/2/90
MAJ. CHARLES E. WEST, JR., [redacted] 6/27/90

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A. GRADE HIGHER THAN INDICATED.

### LINE OF THE AIR FORCE

*To be colonel*

THOMAS D. ACCOLA, [redacted]
JAMES E. ALFORD, [redacted]
KIRBY E. ALLEN, [redacted]
GARY A. AMBROSE, [redacted]
RAYMOND A. AMTMANN, [redacted]
RICHARD G. ANNAS, [redacted]
BRIAN A. ARNOLD, [redacted]
GAIL I. ARNOTT, [redacted]
ROBERT M. ATKINSON, [redacted]
RALPH H. AUSTIN, [redacted]
ROBERT A. AUSTIN, [redacted]
LARRY D. AUTRY, [redacted]
JOSEPH G. AVON, [redacted]
HOWARD S. BAER, [redacted]
CHARLES E. BAILEY, [redacted]
DON E. BAKER, [redacted]
JACK T. BAKER, [redacted]
ROBERT W. BAKER, [redacted]
WILLIAM H. BAKER, [redacted]
JEFFREY W. BALDRIGE, [redacted]
MARGARET K. BALDWIN, [redacted]
ROBERT H. BALLARD, [redacted]
TERRY L. BALVEN, [redacted]
RAYMOND H. BARKER, JR, [redacted]
BARRY W. BARKSDALE, [redacted]
ROCKY E. BARNARD, [redacted]
JOHN L. BARRY, [redacted]
HARVEY D. BARTEL, [redacted]
ROBERT H. BASKETT, [redacted]
ROY H. BASS, JR, [redacted]
HAYNES M. BAUMGARDNER, JR, [redacted]
ALLAN K. BEAN, [redacted]
JOHN S. BEATTIE, [redacted]
EUGENE F. BEAUVAIS, [redacted]
ANTHONY W. BELL, JR, [redacted]
GERALD E. BENSON, [redacted]
RALPH G. BENT, II, [redacted]
HARRY D. BEPLAY, [redacted]
JOSEPH J. BERARDINO, [redacted]
JAMES A. BERES, [redacted]
EARL D. BICE, [redacted]
GEOFFREY T. BISHOP, [redacted]
ROBERT J. BITTNER, [redacted]
KENNETH L. BLACK, [redacted]
LARRY W. BLACK, [redacted]
ROBERT E. BLACK, [redacted]
THOMAS J. BLACK, III, [redacted]
GAY D. BLACKMORE, [redacted]
CHARLES R. BLAKE, [redacted]
JAMES P. BLANCO, [redacted]
JOAN W. BLANKENBEKER, [redacted]
THOMAS J. BLYSTAD, [redacted]
GERALD V. BOESCHE, [redacted]
RUSSELL L. BOGGESS, [redacted]
WAYNE R. BOLES, [redacted]
RUSSELL T. BOLT, [redacted]
JAROMIR J. BON, [redacted]
RAYMOND G. BONESTEELE, [redacted]
JAMES W. BOSWELL, [redacted]
TERRENCE W. BOTT, [redacted]
CHARLES L. BOUBOULIS, [redacted]
JAMES T. BOWEN, [redacted]
FRANK L. BOYD, JR, [redacted]
JOHN T. BOYD, [redacted]
MILTON E. BRANCH, JR, [redacted]

PAUL L. BRANDENBURG, xxx-xx-xxxx
LOUIS D. BRAUN, III, xxx-xx-xxxx
JAMES E. BRECHWALD, xxx-xx-xxxx
HOWARD M. BRILLIANT, xxx-xx-xxxx
FRED N. BROWN, JR, xxx-xx-xxxx
RICHARD S. BROWNELL, xxx-xx-xxxx
LAWRENCE A. BRUCK, xxx-xx-xxxx
RICHARD T. BRYAN, xxx-xx-xxxx
WALTER E. L. BUCHANAN, III, xxx-xx-xxxx
ANTHONY F. BUQUOR, xxx-xx-xxxx
ANNETTE L. BURR, xxx-xx-xxxx
RICHARD O. BURROUGHS, xxx-xx-xxxx
STANLEY L. BUSBOOM, xxx-xx-xxxx
RAY L. CADDELL, xxx-xx-xxxx
STEVEN E. CADY, xxx-xx-xxxx
STEVEN A. CAINE, xxx-xx-xxxx
PATRICK A. CALDWELL, xxx-xx-xxxx
MICHAEL R. CALLAWAY, xxx-xx-xxxx
MARION E. CALLENDER, JR, xxx-xx-xxxx
JOHN A. CAMM, JR, xxx-xx-xxxx
JOHN H. CAMPBELL, xxx-xx-xxxx
WILLIAM H. CAMPBELL, xxx-xx-xxxx
WILLIAM J. CANAVAN, xxx-xx-xxxx
TIMOTHY N. CAREY, xxx-xx-xxxx
DOUGLAS M. CARLSON, xxx-xx-xxxx
GERALD C. CARPENTER, xxx-xx-xxxx
MICHAEL F. CARPENTER, xxx-xx-xxxx
LARRY A. CARR, xxx-xx-xxxx
LARRY G. CARTER, xxx-xx-xxxx
STEPHEN P. CARTER, xxx-xx-xxxx
LOUIS J. CASAMAYOU, xxx-xx-xxxx
JOHN M. CASE, JR, xxx-xx-xxxx
THOMAS E. CEDEL, xxx-xx-xxxx
PHILIP R. CELMER, III, xxx-xx-xxxx
ROBERT R. CHAPIN, xxx-xx-xxxx
BRENT E. CHAPMAN, xxx-xx-xxxx
RAYMOND C. CHAPMAN, JR, xxx-xx-xxxx
EDDY J. CHELKOWSKI, xxx-xx-xxxx
KEVIN J. CHENEY, xxx-xx-xxxx
STONEY P. CHISOLM, xxx-xx-xxxx
MICHAEL A. CHRISTENSEN, xxx-xx-xxxx
CHARLES E. CINNAMON, xxx-xx-xxxx
DWIGHT E. CLARK, xxx-xx-xxxx
SAMUEL H. CLOVIS, JR, xxx-xx-xxxx
JAMES R. COATES, xxx-xx-xxxx
JAMES T. COBB, xxx-xx-xxxx
ROBERT D. COFFMAN, xxx-xx-xxxx
EDWIN W. COHRS, xxx-xx-xxxx
ZOLLIE D. COLE, xxx-xx-xxxx
DOUGLAS R. COLEMAN, xxx-xx-xxxx
KEVIN A. COLLINS, xxx-xx-xxxx
ELLIS K. CONOLEY, xxx-xx-xxxx
MICHAEL J. COOK, xxx-xx-xxxx
SHARLA J. COOK, xxx-xx-xxxx
BOYCE D. COOKE, xxx-xx-xxxx
CRAIG R. COONING, xxx-xx-xxxx
THOMAS R. COOPER, xxx-xx-xxxx
LARRY J. COPELAND, xxx-xx-xxxx
WILLIAM J. CORBETT, III, xxx-xx-xxxx
STEPHEN R. CORNISH, xxx-xx-xxxx
LARRY P. CORNWELL, xxx-xx-xxxx
ROBERT E. CORSI, JR, xxx-xx-xxxx
ARTHUR J. CORWIN, xxx-xx-xxxx
RONALD T. COVAIS, xxx-xx-xxxx
PHILIP A. COVELL, xxx-xx-xxxx
NEAL D. COYLE, xxx-xx-xxxx
JOHN W. CRAIG, xxx-xx-xxxx
CHARLES J. CRAWFORD, xxx-xx-xxxx
CHARLES E. CROOM, JR, xxx-xx-xxxx
DAVID P. CSINTYAN, xxx-xx-xxxx
CHARLES N. CULBERTSON, xxx-xx-xxxx
ROGER A. CUNNING, xxx-xx-xxxx
ALEXANDER B. CURRIE, xxx-xx-xxxx
THOMAS W. DALEY, xxx-xx-xxxx
JOHN W. DALTON, xxx-xx-xxxx
JAMES C. DANDO, xxx-xx-xxxx
HENRY J. DARIES, xxx-xx-xxxx
GERRY R. DAUGHERTY, xxx-xx-xxxx
JAMES N. DAVIS, xxx-xx-xxxx
ROBERT F. DEBUSK, III, xxx-xx-xxxx
ROBERT G. DEFEO, xxx-xx-xxxx
GEORGE DEFILIPPI, JR, xxx-xx-xxxx
JACK D. DELIGANS, JR, xxx-xx-xxxx
RICHARD E. DELONEY, JR, xxx-xx-xxxx
WAYNE E. DEREU, xxx-xx-xxxx
ROBERT J. DESUTTER, JR, xxx-xx-xxxx
DAVID R. DICK, xxx-xx-xxxx
JAMES G. DICKENSHEETS, xxx-xx-xxxx
ROBERT P. DICKEY, xxx-xx-xxxx
JOSEPH T. DICKMAN, xxx-xx-xxxx
ROBERT R. DIERKER, xxx-xx-xxxx
WALTER R. DILL, xxx-xx-xxxx
GARY D. DILLS, xxx-xx-xxxx
JOHN S. DOLAN, xxx-xx-xxxx
KENNETH L. DOLLAR, xxx-xx-xxxx
JAMES L. DONNELLY, xxx-xx-xxxx
PAUL R. DORDAL, xxx-xx-xxxx
JOHN W. DOROUGH, JR, xxx-xx-xxxx
LESLIE R. DRAKE, xxx-xx-xxxx
JOHNNY B. DRURY, xxx-xx-xxxx
DAVID A. DUCK, JR, xxx-xx-xxxx
GEORGE T. DUCKER, xxx-xx-xxxx
DAVID M. DUESLER, xxx-xx-xxxx
JACK E. DUGAS, JR, xxx-xx-xxxx
MICHAEL A. DUNGAN, xxx-xx-xxxx
JAMES C. DUNN, III, xxx-xx-xxxx
JACOB D. DUSTIN, xxx-xx-xxxx
CECIL L. EASON, JR, xxx-xx-xxxx
GLENN C. EASTERLY, xxx-xx-xxxx
THOMAS E. EICHHORST, xxx-xx-xxxx
ROBERT J. ELDER, JR, xxx-xx-xxxx
GERALD G. ELLMYER, xxx-xx-xxxx
ROBERT W. ELSASS, JR, xxx-xx-xxxx
ROGER E. ELSTUN, xxx-xx-xxxx
JAMES D. EMERY, JR, xxx-xx-xxxx
MICHAEL H. ENGELMEYER, xxx-xx-xxxx
JAMES M. ENGER, xxx-xx-xxxx
JAMES B. ENGLE, xxx-xx-xxxx
JAMES W. ENGLE, xxx-xx-xxxx
BRIAN A. ERICKSON, xxx-xx-xxxx
PAUL W. ESSEX, xxx-xx-xxxx
RICHARD G. EVANS, xxx-xx-xxxx
WALTER J. EVANS, xxx-xx-xxxx
WILLIAM J. EVANS, JR, xxx-xx-xxxx
MARK G. EWIG, xxx-xx-xxxx
ROBERT G. FAHL, xxx-xx-xxxx
DAVID P. FAIRCLO, xxx-xx-xxxx
STEPHEN H. FARISH, xxx-xx-xxxx
KENNETH B. FAULHABER, xxx-xx-xxxx
MICHAEL L. FAUST, xxx-xx-xxxx
RICHARD E. FAVELA, xxx-xx-xxxx
ALAN C. FELDKAMP, xxx-xx-xxxx
JAMES G. FERGUSON, xxx-xx-xxxx
GEORGE C. FERKES, xxx-xx-xxxx
WALTER L. FILIPEK, xxx-xx-xxxx
GERALD F. FLANAGAN, JR, xxx-xx-xxxx
SCHUYLER FOERSTER, xxx-xx-xxxx
DAVID A. FONTANA, xxx-xx-xxxx
ROBERT G. FORD, xxx-xx-xxxx
DAVID M. FORE, xxx-xx-xxxx
THOMAS P. FOSS, xxx-xx-xxxx
FREDERICK J. FOSTER, xxx-xx-xxxx
WILLIAM E. FRANTA, xxx-xx-xxxx
WILLIAM M. FRASER, III, xxx-xx-xxxx
JAMES G. FROMM, xxx-xx-xxxx
DANIEL T. FUCCI, xxx-xx-xxxx
RICHARD D. GADDIE, xxx-xx-xxxx
RALPH R. GAJEWSKI, xxx-xx-xxxx
ALBERT R. GALANTE, xxx-xx-xxxx
MICHAEL R. GALLAGHER, xxx-xx-xxxx
RICHARD N. GALLOWAY, xxx-xx-xxxx
DAVID P. GAMBONE, xxx-xx-xxxx
RICHARD GAMMON, xxx-xx-xxxx
FRANCIS K. GEISLER, JR, xxx-xx-xxxx
DAVID B. GEORGE, JR, xxx-xx-xxxx
SALVATORE J. GIAMMO, xxx-xx-xxxx
JOHN P. GIBEAU, xxx-xx-xxxx
ROBERT A. GIBSON, xxx-xx-xxxx
JOHN A. GILBERT, xxx-xx-xxxx
PETER M. GILL, xxx-xx-xxxx
MARK D. GILSON, xxx-xx-xxxx
STEVEN F. GLANTZ, xxx-xx-xxxx
DANIEL W. GODDARD, xxx-xx-xxxx
THOMAS J. GODFREY, xxx-xx-xxxx
WILLIAM E. GOODWIN, xxx-xx-xxxx
JOHN W. GORMAN, xxx-xx-xxxx
EDWARD H. GOSSLING, III, xxx-xx-xxxx
JAMES M. GRANT, xxx-xx-xxxx
MICHAEL L. GRAVES, xxx-xx-xxxx
JOHN R. GREEN, xxx-xx-xxxx
WILLIAM V. GREEN, IV, xxx-xx-xxxx
SAMUEL L. GRIER, JR, xxx-xx-xxxx
RICHARD C. GROESCH, xxx-xx-xxxx
RICHARD R. GROSS, xxx-xx-xxxx
ANTHONY W. GROVES, xxx-xx-xxxx
MICHAEL L. GUIDRY, xxx-xx-xxxx
PAUL M. GUTTMAN, xxx-xx-xxxx
JOHN M. HAAS, xxx-xx-xxxx
STEVEN C. HAFNER, xxx-xx-xxxx
FREDDY M. HAGGARD, xxx-xx-xxxx
ROBERT M. HAIL, xxx-xx-xxxx
LOUIS C. HALA, JR, xxx-xx-xxxx
BILLY J. HALL, JR, xxx-xx-xxxx
WILLIAM F. HALL, xxx-xx-xxxx
ROYCE J. HALSTEAD, xxx-xx-xxxx
STEPHEN O. HAMMOND, xxx-xx-xxxx
STEPHEN W. HANES, xxx-xx-xxxx
JOSEPH C. HANNIGAN, xxx-xx-xxxx
JOHN W. HARBISON, xxx-xx-xxxx
SUSAN J. HARGER, xxx-xx-xxxx
JOHN S. HARP, xxx-xx-xxxx
ELKTON E. HARRINGTON, III, xxx-xx-xxxx
JERROLD B. HARRINGTON, xxx-xx-xxxx
HAROLD J. HARRIS, xxx-xx-xxxx
JOHN H. HARRIS, JR, xxx-xx-xxxx
PHILLIP L. HARRIS, xxx-xx-xxxx
KENT E. HARRISON, xxx-xx-xxxx
THOMAS D. HATCHER, xxx-xx-xxxx
JAMES C. HAVARD, xxx-xx-xxxx
GILBERT R. HAWK, xxx-xx-xxxx
KEITH D. HAWKINS, xxx-xx-xxxx
ROBERT S. HEAPS, xxx-xx-xxxx
RICHARD S. HEFNER, xxx-xx-xxxx
JAMES B. HENDERSON, JR, xxx-xx-xxxx
JOHN F. HENLEY, xxx-xx-xxxx
PETER J. HENNESSEY, xxx-xx-xxxx
STEPHEN G. HENRICH, xxx-xx-xxxx
CHESTER G. HERBST, JR, xxx-xx-xxxx
ROBERT E. HERGENROEDER, xxx-xx-xxxx
ROBERT L. HERKLOTZ, xxx-xx-xxxx
AUBIN M. HIGGINS, xxx-xx-xxxx
DALE C. HILL, xxx-xx-xxxx
CHARLES D. HILLEBRAND, xxx-xx-xxxx
LLOYD R. HISH, xxx-xx-xxxx
DAVID L. HOFSTADTER, xxx-xx-xxxx
JACK R. HOLBEIN, JR, xxx-xx-xxxx
FRANK O. HOLDER, JR, xxx-xx-xxxx
WILLIAM J. HOLLAND, III, xxx-xx-xxxx
GERALD G. HOLLINGER, xxx-xx-xxxx
WILLIAM E. HOLTKAMP, III, xxx-xx-xxxx
DAVID R. HONEYWELL, xxx-xx-xxxx
HUNTER S. HOPSON, JR, xxx-xx-xxxx
STEPHEN M. HORN, xxx-xx-xxxx
JOHN R. HORNOR, xxx-xx-xxxx
VINCENT W. HORRIGAN, xxx-xx-xxxx
HAROLD W. HOSACK, JR, xxx-xx-xxxx
THOMAS R. HOSKINS, xxx-xx-xxxx
JAMES B. HOUSTON, JR, xxx-xx-xxxx
ROBERT M. HOWE, JR, xxx-xx-xxxx
RONALD P. HUBBARD, xxx-xx-xxxx
LAWRENCE R. HUEY, xxx-xx-xxxx
JOHN B. HUNGERFORD, JR, xxx-xx-xxxx
ROBERT D. HUNTER, xxx-xx-xxxx
SCOTT D. INGRAM, xxx-xx-xxxx
GEORGE R. JACKSON, xxx-xx-xxxx
PHILLIP L. JACKSON, xxx-xx-xxxx
VICTOR D. JAROCH, xxx-xx-xxxx
GREGORY T. JAY, xxx-xx-xxxx
RONALD W. JAYNE, xxx-xx-xxxx
OWEN E. JENSEN, xxx-xx-xxxx
ROBERT W. JENSEN, xxx-xx-xxxx
WILLIAM E. JOHNS, xxx-xx-xxxx
ERIC N. JOHNSON, xxx-xx-xxxx
FREEMAN L. JOHNSON, xxx-xx-xxxx
HUBERT O. JOHNSON, III, xxx-xx-xxxx
KATHLEEN JOHNSON, xxx-xx-xxxx
WILLIAM R. JOHNSON, JR, xxx-xx-xxxx
LAFAYETTE J. JONES, JR, xxx-xx-xxxx
PETER E. JONES, xxx-xx-xxxx
ROBERT G. JONES, xxx-xx-xxxx
ROBERT R. JONES, xxx-xx-xxxx
RODNEY P. JONES, xxx-xx-xxxx
SAMUEL M. JONES, xxx-xx-xxxx
STEVEN R. JONES, xxx-xx-xxxx
WALTER I. JONES, xxx-xx-xxxx
ROBERT A. JUDAS, xxx-xx-xxxx
JOSEPH C. JUSTICE, xxx-xx-xxxx
GORDON D. KAGE, II, xxx-xx-xxxx
PETER C. KAMINSKI, xxx-xx-xxxx
ROBERT J. KARNER, xxx-xx-xxxx
LARRY R. KEARNS, xxx-xx-xxxx
STEVEN M. KELLER, xxx-xx-xxxx
GARY M. KELLY, xxx-xx-xxxx
MICHAEL G. KING, xxx-xx-xxxx
JAMES A. KINGSLEY, xxx-xx-xxxx
THOMAS C. KLEIV, xxx-xx-xxxx
DUANE W. KNIGHT, xxx-xx-xxxx
DANIEL G. KNIOLA, xxx-xx-xxxx
WARREN I. KNOUFF, xxx-xx-xxxx
DAVID P. KNOWLES, xxx-xx-xxxx
DANIEL J. KOHN, xxx-xx-xxxx
DUNCAN G. KOLLER, xxx-xx-xxxx
DAVID C. KOLODZINSKI, xxx-xx-xxxx
CRAIG L. KOONTZ, xxx-xx-xxxx
ROBERT W. KOPP, xxx-xx-xxxx
JOSEPH N. KRUPPA, JR, xxx-xx-xxxx
DENNIS W. KULLANDER, xxx-xx-xxxx
FRANK P. LABELLE, JR, xxx-xx-xxxx
LAWRENCE N. LACEY, xxx-xx-xxxx
RICHARD F. LACH, xxx-xx-xxxx
PHILLIP E. LACOMBE, xxx-xx-xxxx
THOMAS S. LAMPLEY, xxx-xx-xxxx
GERALD M. LANE, xxx-xx-xxxx
CHARLES M. LANG, JR, xxx-xx-xxxx
RICHARD D. LARKINS, xxx-xx-xxxx
DENNIS R. LARSEN, xxx-xx-xxxx
LANNY J. LARSON, xxx-xx-xxxx
KATHY LASAUCE, xxx-xx-xxxx
THEODORE W. LAY, II, xxx-xx-xxxx
PAUL J. LEBRAS, xxx-xx-xxxx
CRAIG M. LEE, xxx-xx-xxxx
GORDON K. W. LEE, xxx-xx-xxxx
MELVIN K. F. LEE, xxx-xx-xxxx
MICHAEL G. LEE, xxx-xx-xxxx
TERRY S. H. LEE, xxx-xx-xxxx
ROBERT A. LEECH, xxx-xx-xxxx
DAYRE C. LIAS, xxx-xx-xxxx
ARTHUR J. LICHTE, xxx-xx-xxxx
RICHARD A. LIEN, xxx-xx-xxxx
CHARLES R. LINN, xxx-xx-xxxx
DAVID W. LINN, xxx-xx-xxxx
CHARLES B. LONG, xxx-xx-xxxx
LEVI D. LOWMAN, JR, xxx-xx-xxxx
LUKE L. LUCAS, xxx-xx-xxxx
MICHAEL A. LUFFRED, xxx-xx-xxxx
THOMAS P. LUTTERBIE, xxx-xx-xxxx
MICHAEL J. LYGA, xxx-xx-xxxx
STEPHEN D. MACARTHUR, xxx-xx-xxxx
DAVID F. MACGHEE, xxx-xx-xxxx
FRANK J. MACHI, xxx-xx-xxxx
GENE A. MADDING, xxx-xx-xxxx
STEPHEN B. MADDOX, xxx-xx-xxxx
MARCOS J. MADRID, xxx-xx-xxxx
THOMAS A. MAHR, xxx-xx-xxxx
SANFORD D. MANGOLD, xxx-xx-xxxx
DENNIS F. MARKISELLO, xxx-xx-xxxx
ROBERT T. MARLOW, xxx-xx-xxxx
CHARLES W. MARTIN, xxx-xx-xxxx
RICHARD P. MARTIN, xxx-xx-xxxx
STEPHEN G. MASCHUE, xxx-xx-xxxx
GEORGE M. MATTINGLEY, JR, xxx-xx-xxxx
GILBERT E. MAYEUX, II, xxx-xx-xxxx
MICHAEL P. MCCALL, xxx-xx-xxxx
BENJAMIN F. MCCARTER, xxx-xx-xxxx
JOHN A. MCCLANATHAN, JR, xxx-xx-xxxx
MICHAEL G. MCCONNELL, xxx-xx-xxxx
GUY F. MCCRACKEN, xxx-xx-xxxx
WILLIAM M. MCCRARY, xxx-xx-xxxx
ROBERT N. MCENEANY, xxx-xx-xxxx
MAURICE L. MCFANN, JR, xxx-xx-xxxx
EDWARD J. J. MCGANN, JR, xxx-xx-xxxx
STUART R. MCGHEE, xxx-xx-xxxx
CARL A. MCINTIRE, III, xxx-xx-xxxx
WILLIAM E. MCKEEVER, xxx-xx-xxxx
DOLAN M. MCKELVY, xxx-xx-xxxx
JAMES L. MCKINLEY, xxx-xx-xxxx

DANIEL J. MCMORROW, xxx-xx-xxxx
MICHAEL F. MCPHERSON, xxx-xx-xxxx
ROBERT C. MEAD, xxx-xx-xxxx
ROY D. MEADOWS, xxx-xx-xxxx
BILLY G. MEAZELL, xxx-xx-xxxx
JOHN W. MEINCKE, xxx-xx-xxxx
ROBERT L. MEINERT, xxx-xx-xxxx
HAL R. MEYER, xxx-xx-xxxx
DALE W. MEYERROSE, xxx-xx-xxxx
RICHARD P. MICHAUD, xxx-xx-xxxx
GORDON R. MIDDLETON, xxx-xx-xxxx
ALLYN K. MILLS, xxx-xx-xxxx
KING L. MILLS, III, xxx-xx-xxxx
FRANK J. MISCIASCI, JR, xxx-xx-xxxx
HENRY R. MITCHELL, xxx-xx-xxxx
JOHN C. MOLLISON, JR, xxx-xx-xxxx
RICHARD P. MOORE, xxx-xx-xxxx
ROBERT P. MOORE, xxx-xx-xxxx
JAMES W. MOREHOUSE, xxx-xx-xxxx
CHARLES R. MORRIS, xxx-xx-xxxx
ROBERT C. MORRIS, JR, xxx-xx-xxxx
JAMES E. MORRISON, xxx-xx-xxxx
DAVID J. MORROW, xxx-xx-xxxx
ROBERT A. MOYER, xxx-xx-xxxx
DANIEL J. MURAWINSKI, xxx-xx-xxxx
DANIEL L. MURPHY, xxx-xx-xxxx
DENNIS L. MURPHY, xxx-xx-xxxx
KENNETH E. MURPHY, xxx-xx-xxxx
PAUL E. MURR, xxx-xx-xxxx
TERRANCE L. MURTAUGH, xxx-xx-xxxx
ANTHONY E. NADDEO, xxx-xx-xxxx
BILLY B. NAPIER, xxx-xx-xxxx
KENT D. NELSON, xxx-xx-xxxx
LESTER N. NELSON, xxx-xx-xxxx
RONALD E. NELSON, xxx-xx-xxxx
ROBERT W. NEUMANN, xxx-xx-xxxx
FRANK L. NEWKIRK, xxx-xx-xxxx
LEE A. NEWMAN, JR, xxx-xx-xxxx
JOHN B. NIX, JR, xxx-xx-xxxx
WRIGHT A. NODINE, JR, xxx-xx-xxxx
DAVID J. NOLTING, xxx-xx-xxxx
JAMES NORTON, JR, xxx-xx-xxxx
ROBERT D. ODELL, xxx-xx-xxxx
JEAN M. OESTREICH, xxx-xx-xxxx
THOMAS W. OLMSTEAD, xxx-xx-xxxx
JAMES R. OPFER, xxx-xx-xxxx
THOMAS A. ORIORDAN, xxx-xx-xxxx
ROBERT L. OSTRANDER, JR, xxx-xx-xxxx
JAMES M. OWENDOFF, xxx-xx-xxxx
RAYMOND W. OWENS, III, xxx-xx-xxxx
RONALD E. OWENS, xxx-xx-xxxx
JEFFREY S. PACE, xxx-xx-xxxx
JOHN M. PACE, xxx-xx-xxxx
WILLIAM P. PADGETT, xxx-xx-xxxx
WILLIAM A. PAILES, xxx-xx-xxxx
ROBERT L. PAINE, xxx-xx-xxxx
ROBERT C. PAPE, xxx-xx-xxxx
JAMES S. PARKER, xxx-xx-xxxx
JAMES L. PATRICK, JR, xxx-xx-xxxx
IRA S. PAUL, III, xxx-xx-xxxx
ROBERT W. PAULI, xxx-xx-xxxx
WILBERT D. PEARSON, JR, xxx-xx-xxxx
DANIEL G. PENNY, JR, xxx-xx-xxxx
TIMOTHY A. PEPPE, xxx-xx-xxxx
JAMES M. PETEK, xxx-xx-xxxx
BRUCE E. PETERS, xxx-xx-xxxx
QUENTIN L. PETERSON, xxx-xx-xxxx
ROBERT A. PETERSON, xxx-xx-xxxx
RONALD J. PETERSON, xxx-xx-xxxx
THOMAS M. PETITMERMET, xxx-xx-xxxx
JOHN J. PETTY, xxx-xx-xxxx
CLYDE B. PHILLIPS, III, xxx-xx-xxxx
JAMES G. PHILLIPS, xxx-xx-xxxx
ROBERT D. PHILLIPS, xxx-xx-xxxx
DONALD A. PHILPITT, xxx-xx-xxxx
GARY J. PHIPPS, xxx-xx-xxxx
JOHN B. PIAZZA, xxx-xx-xxxx
RONALD L. PIERCE, xxx-xx-xxxx
HEDY C. PINKERTON, xxx-xx-xxxx
ROBERT J. PIRRIE, xxx-xx-xxxx
CHARLES W. PITTS, xxx-xx-xxxx
DAVID E. POPE, xxx-xx-xxxx
JEFFREY M. POSNER, xxx-xx-xxxx
THEODORE R. POWERS, JR, xxx-xx-xxxx
JUSTUS V. PRICE, JR, xxx-xx-xxxx
JOHN C. QUANDT, xxx-xx-xxxx
JEFFREY A. RAMELB, xxx-xx-xxxx
DAVID M. RANDERSON, xxx-xx-xxxx
CRAIG P. RASMUSSEN, xxx-xx-xxxx
DAVID C. RAUHECKER, xxx-xx-xxxx
THOMAS E. REA, xxx-xx-xxxx
JOHN A. REDDY, xxx-xx-xxxx
CLARK G. REID, xxx-xx-xxxx
DONALD R. REID, xxx-xx-xxxx
RICHARD S. REID, JR, xxx-xx-xxxx
LOREN M. RENO, xxx-xx-xxxx
JAMES R. RHOADES, xxx-xx-xxxx
REGNER C. RIDER, xxx-xx-xxxx
DAVID M. RIGSBEE, xxx-xx-xxxx
RICHARD H. RIMA, xxx-xx-xxxx
VERNON S. RITCHEY, xxx-xx-xxxx
RICHARD A. RITTER, xxx-xx-xxxx
EARNEST O. ROBBINS, II, xxx-xx-xxxx
JAMES N. ROBINSON, xxx-xx-xxxx
JOHN R. ROBINSON, II, xxx-xx-xxxx
AARON B. ROGERS, JR, xxx-xx-xxxx
ANTHONY J. ROGET, xxx-xx-xxxx
JAMES E. ROPER, xxx-xx-xxxx
JERRY L. ROSS, xxx-xx-xxxx
STEVEN J. ROSS, xxx-xx-xxxx
RICHARD S. ROSZAK, xxx-xx-xxxx
BENJAMIN S. ROTH, xxx-xx-xxxx
THOMAS G. RUNGE, xxx-xx-xxxx
WILLIAM C. RUSBY, xxx-xx-xxxx
ROBERT L. RUTH, xxx-xx-xxxx
CHARLES M. RUTLAND, xxx-xx-xxxx
WILLIAM E. RUTTER, xxx-xx-xxxx
JOSE L. SAENZ, xxx-xx-xxxx
ARTHUR J. SAITTA, xxx-xx-xxxx
THOMAS A. SAMPLES, xxx-xx-xxxx
RAMON SANDOVAL, JR, xxx-xx-xxxx
VINCENT J. SANTILLO, II, xxx-xx-xxxx
RALPH S. SAUNDERS, JR, xxx-xx-xxxx
JAMES A. SCHEIDEMAN, xxx-xx-xxxx
JAMES M. SCHLICK, xxx-xx-xxxx
MICHAEL W. SCHOENFELD, xxx-xx-xxxx
MARVIN A. SCHOTT, xxx-xx-xxxx
RICHARD W. SCHUETZ, xxx-xx-xxxx
WILLIAM L. SCHWETKE, xxx-xx-xxxx
DONALD C. SCOTT, xxx-xx-xxxx
JAMES G. SCOTT, JR, xxx-xx-xxxx
MICHAEL R. SCOTT, xxx-xx-xxxx
WILLIAM A. SCOTT, xxx-xx-xxxx
DONALD G. SEARLES, xxx-xx-xxxx
JAMES F. SHAMBO, xxx-xx-xxxx
GEORGE P. SHAMER, II, xxx-xx-xxxx
JEFFREY S. SHAVER, xxx-xx-xxxx
CHRIS W. SHAW, xxx-xx-xxxx
DAVID W. SHOEMAKER, JR, xxx-xx-xxxx
GARY L. SHOEMAKER, xxx-xx-xxxx
RANDY C. SIEPMANN, xxx-xx-xxxx
TERRY R. SILVESTER, xxx-xx-xxxx
LARRY C. SIMMONS, xxx-xx-xxxx
CHARLES N. SIMPSON, xxx-xx-xxxx
CARL D. SKAKAL, JR, xxx-xx-xxxx
ROBERT A. SKOLASKY, xxx-xx-xxxx
JAMES H. SLAGLE, xxx-xx-xxxx
JOHN T. SLANKAS, xxx-xx-xxxx
DAVID F. SLAUGHTER, xxx-xx-xxxx
JOHN T. SMALL, JR, xxx-xx-xxxx
DAN O. SMITH, xxx-xx-xxxx
GEORGE B. SMITH, xxx-xx-xxxx
JAMES B. SMITH, xxx-xx-xxxx
LARRY F. SMITH, xxx-xx-xxxx
ANDREW W. SMOAK, xxx-xx-xxxx
MICHAEL E. SOLOMON, xxx-xx-xxxx
DAVID L. SONNENBERG, xxx-xx-xxxx
DAVID W. SPICER, xxx-xx-xxxx
DAVID L. SPRACHER, xxx-xx-xxxx
LEON A. STAMM, xxx-xx-xxxx
RONNIE A. STANFILL, xxx-xx-xxxx
F. RANDALL STARBUCK, xxx-xx-xxxx
WILLIAM N. STARNES, JR, xxx-xx-xxxx
WILLIAM R. STEELE, xxx-xx-xxxx
HERBERT N. STEIMER, xxx-xx-xxxx
JOSEPH C. STEIN, xxx-xx-xxxx
JOSEPH P. STEIN, xxx-xx-xxxx
JAMES J. STERZINGER, xxx-xx-xxxx
WILLIAM E. STEVENS, xxx-xx-xxxx
BILLY K. STEWART, xxx-xx-xxxx
GARY L. STEWART, xxx-xx-xxxx
WILLIAM K. STILLWELL, xxx-xx-xxxx
RICHARD R. STIMER, JR, xxx-xx-xxxx
RICHARD L. STOCCHETTI, xxx-xx-xxxx
LARRY W. STONE, xxx-xx-xxxx
DAVID E. STOREY, xxx-xx-xxxx
JAY P. STRETCH, xxx-xx-xxxx
DAVID C. STRICK, xxx-xx-xxxx
STEVEN R. STURM, xxx-xx-xxxx
RONALD J. SULLIVAN, xxx-xx-xxxx
RAYMOND D. SUMMERS, xxx-xx-xxxx
TIMOTHY P. SUTHERLAND, xxx-xx-xxxx
CHARLES M. SWAGER, xxx-xx-xxxx
JOHN G. SWAIN, III, xxx-xx-xxxx
GEORGE H. SWEETNAM, JR, xxx-xx-xxxx
OZRO S. SWETT, JR, xxx-xx-xxxx
ELMER F. SYMSACK, xxx-xx-xxxx
ROMAN SYNYCHAK, xxx-xx-xxxx
THOMAS E. SYSTER, xxx-xx-xxxx
FRANK R. TAGUE, xxx-xx-xxxx
TERRY R. TALBOT, xxx-xx-xxxx
VICTOR J. TAMBONE, xxx-xx-xxxx
JOHN G. TAYLOR, III, xxx-xx-xxxx
LOUIS S. TAYLOR, xxx-xx-xxxx
JERRY L. THIGPEN, xxx-xx-xxxx
KENNETH L. THOMAS, xxx-xx-xxxx
JERRY J. THORIUS, xxx-xx-xxxx
FREDERICK G. THOUROT, III, xxx-xx-xxxx
THOMAS E. THURSTON, xxx-xx-xxxx
DANIEL M. TIBBETTS, xxx-xx-xxxx
TIMOTHY T. TIMMONS, xxx-xx-xxxx
ROBERT J. TOMCZAK, xxx-xx-xxxx
THOMAS A. TOOPS, xxx-xx-xxxx
OLIVER D. TOWNS, xxx-xx-xxxx
RAY E. TOWNSEND, xxx-xx-xxxx
CARY R. TRAFTON, xxx-xx-xxxx
LEONARD J. TROVERO, JR, xxx-xx-xxxx
ALAN E. M. TUCKER, xxx-xx-xxxx
GARY L. TUCKER, xxx-xx-xxxx
CHARLES F. TURK, xxx-xx-xxxx
MARC C. TURNER, xxx-xx-xxxx
RONALD F. TUTTLE, xxx-xx-xxxx
BRUCE L. ULLMAN, xxx-xx-xx...
DAVID C. UNDERWOOD, xxx-xx-xxxx
DENNIS D. UNDERWOOD, xxx-xx-xxxx
ROBERT F. UNGER, xxx-xx-xxxx
JEFFREY L. UPP, xxx-xx-xxxx
DALE M. VANDEHEY, xxx-xx-xxxx
JOHN M. VOLPE, xxx-xx-xxxx
MICHAEL G. VOSMEIER, xxx-xx-xxxx
MICHAEL VOSS, xxx-xx-xxxx
JAMES D. WALKER, xxx-xx-xxxx
RONALD R. WALL, xxx-xx-xxxx
KENNETH V. WALSH, xxx-xx-xxxx
WILLIAM L. WALTERS, xxx-xx-xxxx
GLENN C. WALTMAN, xxx-xx-xxxx
SCOTT L. WANGEN, xxx-xx-xxxx
JOSEPH B. WARREN, III, xxx-xx-xxxx
RONALD H. WASSOM, xxx-xx-xxxx
RICHARD L. WEAVER, xxx-xx-xxxx
RUSSELL L. WEAVER, JR, xxx-xx-xxxx
WILLIAM S. WEAVING, xxx-xx-xxxx
RICHARD E. WEBBER, xxx-xx-xxxx
GARY L. WEIKEL, xxx-xx-xxxx
STAN G. WEIR, xxx-xx-xxxx
MICHAEL WEITMAN, xxx-xx-xxxx
MICHAEL P. WEITZEL, xxx-xx-xxxx
J. D. WELLS, xxx-xx-xxxx
MICHAEL P. WELSH, xxx-xx-xxxx
DAYLE A. WEST, xxx-xx-xxxx
GREGG A. WHEELER, xxx-xx-xxxx
CULLEN L. WHITE, xxx-xx-xxxx
ROBERT E. WHITE, xxx-xx-xxxx
CHARLES J. WHITECHURCH, xxx-xx-xxxx
JOHN C. WHITESIDE, III, xxx-xx-xxxx
JAMES F. WHITING, xxx-xx-xxxx
CARLETON H. WHITTAKER, JR, xxx-xx-xxxx
MICHAEL P. WIEDEMER, xxx-xx-xxxx
FRANK B. WILLE, xxx-xx-xxxx
FREDERICK L. WILLIAMS, xxx-xx-xxxx
JAMES E. WILLIAMS, xxx-xx-xxxx
ROBERT O. WILLIAMS, xxx-xx-xxxx
ROBERT T. WILLIAMS, xxx-xx-xxxx
RONALD C. WILLIAMS, xxx-xx-xxxx
RONALD S. WILLKE, xxx-xx-xxxx
BARRY S. WILSON, xxx-xx-xxxx
ROBERT S. WILSON, xxx-xx-xxxx
RONALD A. WINTER, xxx-xx-xxxx
GARY A. WINTERBERGER, xxx-xx-xxxx
GARY M. WISTROM, xxx-xx-xxxx
THOMAS V. WITTMAN, xxx-xx-xxxx
JOHN D. WOLF, xxx-xx-xxxx
NEAL E. WOLFARD, JR, xxx-xx-xxxx
DAVID R. WOLFE, xxx-xx-xxxx
JAMES C. WOLFE, xxx-xx-xxxx
ROBERT E. WOLFF, xxx-xx-xxxx
ROBERT R. WOODS, xxx-xx-xxxx
MICHAEL W. WOOLEY, xxx-xx-xxxx
CHARLES K. YARD, xxx-xx-xxxx
PHILIP K. YASUHARA, xxx-xx-xxxx
HERMAN W. YOUNGBLOOD, xxx-xx-xxxx
JONATHAN E. ZALL, xxx-xx-xxxx
GLENN R. ZAUBER, xxx-xx-xxxx
ROBERT A. ZIENER, xxx-xx-xxxx
JAMES F. ZORN, xxx-xx-xxxx

CHAPLAIN CORPS

*To be colonel*

JACK W. ELLIOTT, xxx-xx-xxxx
RALPH A. GUETERSLOH, xxx-xx-xxxx
JAMES P. HALL, xxx-xx-xxxx
WILLIAM P. HANRAHAN, xxx-xx-xxxx
DONALD R. HUDSON, xxx-xx-xxxx
RICHARD K. KNOWLES, xxx-xx-xxxx
ROBERT S. LEEDS, xxx-xx-xxxx
BOBBY C. THORNTON, xxx-xx-xxxx
ROGER A. WITHEE, xxx-xx-xxxx

JUDGE ADVOCATE

*To be colonel*

JOHN M. ABBOTT, xxx-xx-xxxx
ALBERT J. CUNNINGHAM, JR, xxx-xx-xxxx
BRADLEY J. DEAUSTIN, xxx-xx-xxxx
THOMAS J. FISCUS, xxx-xx-xxxx
CRAIG L. HEAD, xxx-xx-xxxx
LAKE B. HOLT, III, xxx-xx-xxxx
MICHAEL J. HOOVER, xxx-xx-xxxx
DOUGLAS H. KOHRT, xxx-xx-xxxx
MICHAEL N. MADRID, xxx-xx-xxxx
RICHARD A. MCDONALD, xxx-xx-xxxx
SUSAN P. MCNEILL, xxx-xx-xxxx
JEFFREY R. OWENS, xxx-xx-xxxx
JOEL M. OXLEY, xxx-xx-xxxx
MARK L. SUCHER, xxx-xx-xxxx
CHARLES H. WILCOX, II, xxx-xx-xxxx

NURSE CORPS

*To be colonel*

MARTHA C. MARON, xxx-xx-xxxx
KATHRYN M. RAINES, xxx-xx-xxxx
NINA K. RHOTON, xxx-xx-xxxx
MYRIAM SANTIAGO, xxx-xx-xxxx
ELIZABETH A. SCANNELL, xxx-xx-xxxx
BONNIE J. SCUDDER, xxx-xx-xxxx
SUANNE SMITH, xxx-xx-xxxx
SANDRA L. STANLEY, xxx-xx-xxxx
MARY P. SULLIVAN, xxx-xx-xxxx
CAROL A. TOMS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

*To be colonel*

ROBERT H. BRANNON, xxx-xx-xxxx
DARRELL E. EICKHOFF, xxx-xx-xxxx
TIMOTHY J. ELDER, xxx-xx-xxxx
JACK A. GUPTON, xxx-xx-xxxx
JAMES J. HOOPER, III, xxx-xx-xxxx
STEPHEN P. JONES, xxx-xx-xxxx
JOHN D. LABASH, xxx-xx-xxxx
ROBERT J. MOSS, JR, xxx-xx-xxxx
ROLAND J. ROGER, xxx-xx-xxxx
GARY J. SEITZ, xxx-xx-xxxx
JOHN R. SHEEHAN, xxx-xx-xxxx

ROBERT E. SHIELDS, xxx-xx-xxxx
JAMES T. VANDEHEY, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

*To be colonel*

THOMAS R. ADAMS, xxx-xx-xxxx
ROBERT N. BROOKS, xxx-xx-xxxx
MICHAEL H. BROWNE, xxx-xx-xxxx
ROBERT L. CRANE, xxx-xx-xxxx
RAY M. CROSBY, xxx-xx-xxxx
JAMES E. DALE, xxx-xx-xxxx
LYNN A. FRANCIS, xxx-xx-xxxx
JOHN G. GOLDEN, xxx-xx-xxxx
JAY M. HOWARD, xxx-xx-xxxx
NEIL J. LAMB, xxx-xx-xx...
JAMES M. LIVINGSTON, xxx-xx-xxxx
EDWARD F. MAHER, xxx-xx-xxxx
JOSEPH A. MARTONE, xxx-xx-xxxx
GERALD J. MERRITT, xxx-xx-xxxx
SUSAN R. OKONSKI, xxx-xx-xxxx
LINDA J. TOWNSEND, xxx-xx-xxxx
THOMAS J. WALKER, xxx-xx-xxxx
GARY A. WANDMACHER, xxx-xx-xxxx
RONALD D. WARNER, xxx-xx-xxxx

## CONFIRMATIONS

### Executive Nominations Confirmed by the the Senate September 17, 1990:

NATIONAL COUNCIL ON DISABILITY

LARRY BROWN, JR., OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1992.

HELEN WILSHIRE WALSH, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1993.

NATIONAL SCIENCE FOUNDATION

BERNARD F. BURKE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 1996.

THOMAS B. DAY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 1996.

JAMES JOHNSON DUDERSTADT, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 1996.

DEPARTMENT OF STATE

EDWIN D. WILLIAMSON, OF SOUTH CAROLINA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

ROBERT F. GOODWIN, OF MARYLAND, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSEPH FRANCIS GLENNON, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 1991.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CAROLYN D. LEAVENS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1990.

CAROLYN D. LEAVENS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993.

DEPARTMENT OF STATE

JAMES D. WATKINS, OF CALIFORNIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

MICHAEL H. NEWLIN, OF MARYLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

KENNETH M. CARR, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSON ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1993.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING PHILIP-MICHAEL GARY, AND ENDING BRIAN R. STICKNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 1990.

# HOUSE OF REPRESENTATIVES—*Monday, September 17, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 13, 1990.*

I hereby designate the Honorable ROMANO L. MAZZOLI to act as Speaker pro tempore on Monday, September 17, 1990.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We give thanks, O gracious God, for this new day with all its opportunities. We pray that we may be worthy of the high calling that You have given us to be ambassadors of good will and witnesses to lives of service. Remind us to use the abilities You have given us to tell the message of understanding and to do those things that bring peace and justice to every person. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT) will please come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Friday, September 14, 1990.

S. 2088, to extend titles 1 and 2 of the Energy Policy and Conservation Act, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (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," with an amendment.

The message also announced that the Senate disagees to the amendments of the House to the bill (S. 2830) "An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. PRYOR, Mr. BOREN, Mr. KERREY, Mr. LUGAR, Mr. DOLE, and Mr. COCHRAN, to be the conferees on the part of the Senate.

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

S. 2924. An act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes; and

S. 3033. An act to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

## AMERICA THREATENED WITH FULL-FLEDGED DEPRESSION

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

Mr. GEJDENSON. Mr. Speaker, this economy is heading not for a recession but for a massive depression. With a combination of increased oil prices and bank credit virtually disappearing in the Northeast, if we add to that a repressive tax policy, placing more burden on blue collar and middle class workers, we will bring this economy to a screeching halt.

We have spent $4 trillion since World War II defending Europe and Japan. It is time to end that program. It is time to take those dollars and stimulate the American economy back to life. We need to make low interest loans available for housing, and we need to put our construction industry back to work. We need to revive this economy or all the attempts at debt reduction will only further slow this already devastated economy. In those States with the most economic activity and the most population, we are already deep into a recession.

This Congress and this administration had better recognize that Gramm-Rudman may be a law we face, but the laws of economics are catching up to us and we need to stimulate this economy back to life. We have tried supply-side economics. We have gone from a $900 billion debt to a $3 trillion debt.

Mr. Speaker, it is time to take a look at some good old-fashioned economics, putting people back to work and starting this economy back up again.

## LET US TAKE ANOTHER LOOK AT EGYPTIAN DEBT FORGIVENESS

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

Mr. BROOMFIELD. Mr. Speaker, a pleasant surprise in today's crisis in the Persian Gulf is the solid support we've had from so many Arab nations. In fact, we've been so taken aback, that we may have lost our senses.

I am talking about plans to forgive $7 billion in loans to Egypt.

Egypt now has 5,000 soldiers alongside the American troops in Saudi Arabia, and they will soon be sending more. We appreciate their support, and I am sure there are ways America and other nations can help them alleviate some of the economic problems caused by this crisis.

But America can't afford outright cancellation of Egypt's debt. America has $64 billion in existing loans throughout the world. Some countries are already beginning to line up at the debt forgiveness window.

This comes at a time when our budget negotiators are figuring out ways to squeeze a few more tax dollars

out of America's sales clerks and farms and mechanics.

America has a reputation for being generous, but let's remember who's going to end up footing the bill.

Mr. Speaker, my colleagues might like to take a look at the scope of America's debt, and I include the attached list of the top 10 debtor nations to the U.S. Government for printing in the RECORD, as follows:

10 LARGEST CASES OF DEBT

[In dollars as of Dec. 31, 1989]

| Country | Total debt (billions) | Arrearages |
|---|---|---|
| Egypt | 12.3 | 550,000,000 |
| Israel | 4.6 | 764,000 |
| Pakistan | 3.3 | 335,000 |
| Poland | 2.9 | 398,000,000 |
| India | 2.8 | 52,000 |
| Turkey | 2.8 | 90,000,000 |
| Indonesia | 2.4 | 602,000 |
| Brazil | 2.2 | 851,000,000 |
| Korea, Republic of | 1.9 | 4,000,000 |
| Greece | 1.8 | 22,000,000 |
| Total | 35.2 | 1,900,000,000 |
| World total | 64 | 4,300,000,000 |

## A PRESCRIPTION FOR ADDRESSING THE PERSIAN GULF AFFAIR

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

Mr. TRAFICANT. Mr. Speaker, the Persian Gulf is really heating up. President Bush did a good job on Iraqi TV. I commend him for that.

Leona Helmsley wrote a letter to Saddam Hussein in the New York Times. That is right, the "Hostess with the mostess" has taken Hussein to task. Here is what she said:

Mr. Hussein, the people that you hold in your grasp are not guests, they are hostages.

If anybody should know the difference, believe me, it is Leona Helmsley. Very carefully, she also said this: "It is time for you, Mr. Hussein, to check out."

I have a suggestion about this letter. I recommend to the President that he send both Leona Helmsley and Judge David Souter to the gulf. After Judge David Souter completely confuses Saddam Hussein, Leona Helmsley can get close enough to maybe kick him in the crotch and end this thing.

In all fairness, Mr. Speaker, this war of words may end up in a war of body bags. I think it is unfair for Americans to keep receiving their sons and daughters and loved ones in pine boxes. It is time for the rest of the world to not only come up with the cash but to shed some blood alongside our Americans for peace as well.

## JAPAN AND GERMANY RESPOND

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

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, last week I criticized both Japan and Germany for not shouldering a proportional share of the financial burden in the Middle East. But today, Mr. Speaker, I thank these allies for their new offers of assistance to the 27-nation military force in the gulf.

Jolted by international criticism both Japanese Prime Minister Kaifu announced that his country will add $3 billion to the $1 billion already committed 2 weeks ago and in West Germany, Chancellor Kohl has also pledged another $2 billion. These much-needed and additional amounts of financial assistance go a long way to help ensure international law and order and protect the small nations in the Persian Gulf region from madman Saddam.

Mr. Speaker, although overdue, we should be grateful for this additional assistance from our allies. And I am. America did basically write their constitutions 45 years ago. And those constitutions do have some restrictions on their military and financial obligations in regard to international crises. But I am delighted that they saw their way clear to assist the cause of international law and peace with their generous financial contributions. Friends help friends in time of need. I thank our German and Japanese friends.

[From the New York Times, Sept. 14, 1990]

JAPAN DEFENDS AID TO U.S. IN MIDEAST

(By Steven R. Weisman)

TOKYO, September 14.—Jolted by mounting criticism of Japan in Washington, Government officials asserted that Japan had done more than any other country in the world outside the gulf region to aid the American buildup in the Middle East and added that another $3 billion in assistance to the region would be announced later this morning.

The officials also said that $2 billion of the amount, for economic assistance to Jordan, Egypt and Turkey, would include a fast infusion of $600 million to make up for revenues those countries lost because of the sanctions against Iraq.

In addition, the officials said another $1 billion would be used for assistance to the multinational military effort in the gulf beyond the $1 billion announced two weeks ago.

DIRECT MONEY TRANSFER FORBIDDEN

The new money would bring to $4 billion the total amount Japan has committed to the Persian Gulf since the beginning of the crisis caused by the Iraqi invasion of Kuwait on Aug. 2.

[In West Germany, Chancellor Helmut Kohl also pledged more help, apparently trying to soften the anger expressed by Congress that Bonn is not pulling its weight in the Persian Gulf. He did not offer many details.]

While Prime Minister Toshiki Kaifu announced the previous pledge of $1 billion, only one shipment of goods, consisting of 800 vehicles, has gone to the Middle East so far.

Shipments of such goods by Japan have been delayed for several reasons, partly because of the reluctance of Japan Airlines and independent shippers to send material into a combat zone.

Japanese officials also said Tokyo had to wait for the creation of a legal entity before it can in effect write a check to help pay for the American military effort.

Japanese officials said a direct transfer of money by Japan to another country, like the United States, is forbidden by law unless it is for certain specific purposes, like economic assistance or disaster relief. "As soon as we finish working out a scheme in cooperation with the United States Government, the money can be processed," a Japanese official said.

A larger obstacle to Japanese assistance has been the interpretation long applied to the Constitution written by the United States after the end of World War II. The Constitution rules out use of force by Japan in pursuit of its interests. Tokyo has cited the clause in rejecting an American appeal to send minesweepers, refueling tankers and other equipment.

VEHICLES, HOUSING, MONEY

Japanese officials said that while other nongulf countries had sent troops and ships to the Middle East, no country outside the region had come up with a sum anywhere near the $1 billion Japan had already committed.

Kuwait's exiled Emir has said he will contribute about $5 billion to the effort before the end of the year, and the Saudis have promised to contribute about $500 million a month. The United Arab Emirates has also pledged a sizeable contribution.

The Japanese assistance is to come largely in the form of vehicles, housing, air-conditioning equipment and other goods, as well as direct financial support for the multinational military effort.

In addition, officials said the $2 billion for Jordan, Egypt and Turkey would help their economic development in the years ahead.

It has not been clear, however, whether the $2 billion in economic aid is to be in addition to or part of the roughly $10 billion a year Japan has committed in recent years for economic development assistance for poor countries.

DISMAYED BY AMENDMENT

Officials said Thursday night that they were especially dismayed by the passage on Wednesday of an anti-Japanese amendment to a military spending bill in the United States House of Representatives by an overwhelming vote of 370 to 53.

"Some of those 370 congressmen may not be aware that Japan is the biggest supporter of United States forces overseas," Taizo Watanabe, the Foreign Ministry spokesman, said in an interview Thursday night. "We hope that once they know the full magnitude of what we are doing, their appreciation will increase."

Other officials warned that the part of the resolution calling for a reduction in American forces in Japan was potentially dangerous. The resolution called for a cut of 5,000 troops each year if Tokyo does not increase its support for the 50,000 American troops on Japanese soil.

"These resolutions are coming out of pure ignorance," said a Foreign Ministry official, who spoke on the condition that he not be identified. "To withdraw 5,000 troops a year for Japan is sheer nonsense. It would de-

stroy not only the national interest of Japan, but of the United States as well."

PROTECTING AMERICAN INTERESTS

He added that American troops are in Japan "not for the narrow purpose of defending Japan alone," but to protect American interests in the Pacific and Indian Oceans.

The resolution calls for Tokyo to increase support of the American troops to $4.5 billion, a year. According to the United States, Japan's present contribution is $2.8 billion a year, about 37 percent of the total cost.

Japanese officials repeated on Thursday what they have been saying in recent months, that Tokyo would try to increase the sum in the years ahead.

But the tone of the statements was one of alarm, apparently mixed with a feeling that criticism in the United States seemed to be inevitable because of what some have acknowledged to be the delays in Japanese assistance.

[From the Wall Street Journal, Sept. 14, 1990]

YEN, MARKS AND THE GULF

It probably was inevitable that as soon as someone started to talk about creating a new world order, the demagogues would come out of the woodwork. They could be heard around the U.S. Capitol this week as Congressmen, rained down denunciations on Japan and Germany for not pulling their weight in the Gulf. "History has shown that we need to be tough to get action from Japan," thundered ex-dove Rep. David Bonior of Michigan. With Saddam Hussein still fat and sassy in Baghdad, this may not be the best time for some of the West's major powers to go off into an alley for a fistfight.

There is indeed a case to be made that Japan and especially Germany should be doing more to support the Gulf intervention. It would be helpful, though, if all the engaged parties brought more sophistication to the question of the Japanese-German contribution than was on display in the House this week.

For instance, the arguments over what kind of help Japan should send, and how much, bring us closer to the day when the world must face the rebirth of Japan as a leading military power. Even with its defense budget held just under 1% of gross national product, Japan already ranks among the world's top five nations in defense spending. Still, there are people beyond the Beltway-including Asians who recall Japan's behavior in World War II—who harbor misgivings about a more military-minded Japan. Since that time, of course, the Japanese have been learning better ways of integrating themselves into the world.

Japan's awesome productivity has provided cars, stereos, televisions, watches, computers and cameras that people world-wide have flocked to buy. Japan now is opening, even if slowly, to imports, out of a belated recognition that its workers are entitled to more fruits of their labor. Far more Japanese are traveling abroad, thereby becoming more cosmopolitan in their outlook.

Moreover, the challenges these past few years to the long-ruling Liberal Democratic Party suggest that the democratic process is starting to seriously permeate Japanese society. The electorate is fed up with unresponsive LDP leaders who bulldozed through an unpopular consumption tax and whose protectionist policies have served a few special interests at the expense of consumers.

Japan, in short, has been evolving toward a society open and flexible enough to know the full value of safeguarding the democratic order. The big question is whether Japan has already reached the point at which its allies, and its own citizens, can trust it to stand strictly by the guns of democracy. Perhaps. What's clear is that Japan has for a long time been moving in the right direction.

The trick is to encourage that movement, including a greater Gulf commitment, without driving them back into a shell. For the moment, Japan's Prime Minister Kaifu has offered a Persian Gulf aid package worth some $1 billion. Yesterday Japan's Justice Minister supported a review of the country's constitution to allow sending non-combat troops to the Gulf, while another member of the Kaifu cabinet stated that, "We have a large role to play in restoring peace in the Gulf . . . and we should take up our responsibilities."

The situation with the Germans is in some ways more troublesome. Over the past several years, Germany practically developed a for-profit foreign policy; while the government was busy with other things, many German firms developed initimate relations with Saddam Hussein. The German government is investigating 60 companies suspected of making weapons-related sales to Baghdad. West German firms are said to have been in the forefront of Iraq's development of poison gas capabilities. And this came after a scandal in which German firms stood accused of supplying Libyan chemical plants.

Last weekend Helmut Kohl acknowledged that other nations could say of Germany, "If there is money to be made, they're there, but if the issue is taking responsibility, they evade it." Yesterday Mr. Kohl called it "impossible" for a newly united Germany to remain uninvolved, and tomorrow Secretary of State Baker will meet with the German President to discuss this matter.

What we are seeing here is a process of awakening. Just as Germany was able to recognize and seize the momentum of history in German reunification, the coalition arrayed against Iraq's international piracy represents another turning point in the world's accelerating transformation. With so much at stake, it is important to push back against the sort of potentially destructive demagoguery on display in Congress this week, but it also is essential for Germany and Japan to recognize that an event is occurring in which both should be important participants.

□ 1210

## LOOK TO WINDFALL PROFITS AS SOURCE OF REDUCING FEDERAL DEFICIT

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

Mr. McCLOSKEY. Mr. Speaker, as we all know, some very difficult decisions are about to be made in the summit. It is amazing what is being left out.

Notice on the front page of the New York Times yesterday, the profits of the four largest oil companies are up 40 percent, and that is even with modification or an evasion program that has been basically endorsed by the White House and other high ranking Republican legislative sources.

At the same time, we are asking the American people to pay more taxes and talking about drastic cuts in Medicare. When are we going to wake up and stop these basic injustices from cutting against the American people?

Similarly, there is $3.8 billion that the administration is asking over the next 4 years against the Postal Service. The U.S. Postal Service operates on revenues from mailers, not from funds from the Treasury. The $6 billion which the Postal Service will be required to transfer to the Treasury over the next 4 years is nothing more than a stamp tax. The general public will be required to pay more for its stamps to mask the size of the Federal deficit.

Other proposals being discussed include increasing Medicare premiums and freezing Federal pensions. I find these proposals unconscionable, because they affect those who can least afford it.

One group that can afford some of this is the oil companies. Let us talk about them a little bit.

## DEMOCRATS SEEK TO LEAD ECONOMY INTO RECESSION AND INFLATION AGAIN

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

Mr. WALKER. Mr. Speaker, some liberal economists have suggested that the only way to reduce the Federal deficit is to inflate our way out of it. In other words, reduce the value of everyone's dollars, so that the Federal deficit looks smaller by comparison.

The Democrats have evidently been listening to that kind of bad advice. Their proposals to raise taxes are inherently inflationary.

The Democrats propose to raise excise taxes, including energy taxes. Such tax increases are by definition inflationary because they assure higher prices and spread the harm throughout the economy.

The Democrats also propose to raise tax rates. That means money gets pulled out of the productive sector of the economy, out of productive investments, and put into shelters. Any additional money collected by the Government is also something which tends to be inflationary. Productive decline is inflationary by definition.

Just 10 years after leading the economy into recession and inflation at the same time, the Democrats are proposing to go in that direction again. It makes no economic sense.

## TEXTILE BILL WOULD SAVE JOBS, PROTECT CONSUMERS

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

Mrs. LLOYD. Mr. Speaker, I rise today in order to let my colleagues know that a vote for the textile bill is a vote for good sound, domestic policy. H.R. 4328, the Textile, Apparel and Footwear Trade Act is a good bill for all concerned, including the consumer.

I have heard a great deal lately about how this legislation, by restricting imports, will cut out the competition for the domestic manufacturers; thereby leading to higher prices for consumer goods. These critics of the textile bill would have us sit up here in Washington and watch the textile mills and apparel factories of this country disappear one by one. Already this year, over 43,000 American workers have lost their jobs because of nearly 70 textile and apparel plants that have shut their doors.

And all of this because of a supposed threat to consumers. I say that if there is a threat to the consumer, it does not emanate from the textile industry. If you look closely, it is true that imports cost less than American made goods at the wholesale level, but to the consumer at the cash register the price is generally the same. Where is the big savings imports are supposed to carry with them? And what is going to happen when the market share for imports continues to climb from the current 60 to 85 or 90 percent? Import saturation is a very dangerous thing whether we are talking about oil or textiles. The potential price increase and threat to the consumer comes from a foreign controlled market, not a healthy domestic manufacturing industry.

## CUTTING TAXES FOR RICH NOT ACCEPTABLE TO MAINSTREAM AMERICA

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

Mr. VENTO. Mr. Speaker, last week the national press reported that the Republicans put forth a proposal at Andrews Air Force Base in terms of the budget summit to cut taxes $11 billion for those with incomes over $50,000, and to increase taxes for those middle income Americans under $50,000 by some $4.1 billion. Hardest hit by the GOP plan are those with incomes between $20,000-$40,000 who would be levied $2.8 billion more in taxes.

The question is who leaked this information, that cast the GOP in a bad light? That was the question that was being raised on the Senate floor last Friday when this came to light and was reported by the national media.

All the media had to look at was the President's tax cut proposals on Tuesday night. The President gave us a talk about how we all have to tighten up our belts and cut spending by $500 billion over 5 years. Then he proceeded to list five tax cuts; that's right, tax cuts. The leading one, of course, is the President's pet, the capital gains tax reduction, 80 percent of which benefits go to those with over $100,000 income.

Then he added a tax break for the oil companies. That is just great! Is that what America needs today? As the oil companies are profiteering from the problem in the Persian Gulf, they need another tax break right now according to President Bush.

The fact is that these types of inequitable measures are nonstarters in terms of a budget solution, as far as our constituents and the people we represent are concerned.

The Democrats have tabled a proposal that does address the problem that we have with regard to the budget. In fact, they decrease taxes for those with less than $20,000 in income in a specific proposal. The administration and Congress must raise revenue. We should begin to reestablish a pay-as-you-go system for our Federal budget.

That has been sadly lacking during the decade of the 1980's. There was, and still exists today, an unwillingness to pay for the programs that have been put in place and are being proposed even today.

The President last Tuesday pointed out he wants to maintain the type of defense spending we have had, with all of the exotic weapons systems, such as star wars, redundant systems, nuclear weapon systems, remnants of the cold war at best useful under past circumstances. And such weapons are not helping us in terms of the type of crises that we face today, in the Persian Gulf.

We need defense dollars that make sense, that provide not for redundant weapons systems, but provide for the real needs of our sailors and soldiers on the front lines. We need a Federal budget with which we can go back to our constituents and present that has equity in terms of taxes and program changes.

Mr. Speaker, I hope that the summiteers are paying attention to their constituents and to the other Members who do not have the privilege of working in the negotiations because the rank and file will not act positively to measures that are so badly out of balance and unacceptable to the mainstream of our constituents.

Following is the full text of the Washington Post, September 14, 1990 article which reports the ongoing budget negotiation proposals.

[From the Washington Post, Sept. 14, 1990]

### GOP's Tax Proposal Said To Favor Wealthy

(By John E. Yang)

Bush administration budget negotiators proposed a package of tax increases that would cut the assessments for taxpayers whose annual incomes are more than $50,000 while raising taxes for those whose incomes are lower, officials familiar with the proceedings said yesterday

A Democratic tax offer, on the other hand, would cut taxes for those with incomes lower than $20,000 a year while raising them for those with higher incomes, officials said.

It was not clear last night where the competing proposals stood as White House and congressional officials continued their budget talks at the Andrews Air Force Base Officer's Club.

The administration tax offer contains several controversial elements, including plans to limit the federal deductibility of state and local income taxes and to cut the capital gains tax rate, the officials said. It also includes such revenue-losing provisions as extending tax credits for research and development activities. Individual income tax rates would not be changed.

The Democratic offer would impose a 20 percent surtax on those with incomes of more than $500,000 a year and a 10 percent tax on the purchase of such luxury items as automobiles and boats that cost more than $30,000, jewelry with price tags higher than $5,000, electronic equipment costing more than $1,000 and furs costing more than $500, the officials said.

Both include competing provisions to raise taxes on energy and alcoholic beverages. They aslo have several items in common, including boosts in the federal tax on airline tickets and tax breaks for domestic oil and gas exploration, the officials said.

The administration plan would cut taxes for taxpayers whose incomes are more than $50,000 a year by $11 billion over five years while raising taxes by $4.1 billion for those with lower incomes, according to an analysis that Congress's nonpartisan Joint Committee on Taxation produced for the bargainers. The income figures in the analysis are for individual or joint tax returns.

Those whose annual incomes are more than $100,000 would have their taxes cut $2.9 billion over five years and those with income higher than $200,000 a year would pay $7.4 billion less in taxes.

Hardest hit would be individuals and families with incomes between $20,000 and $40,000 a year, who would pay $2.8 billion more over five years than under current law, according to the analysis. Overall, individual income tax receipt would be reduced by $7 billion over five years by the administration proposal.

The shifting tax burden would be much different under the Democratic plan, according to the Joint Committee on taxation. Those whose annual incomes are lower than $20,000 would pay $4 billion less over five years than under current law, with those taking in between $10,000 and $20,000 would benefit by $3.5 billion.

Those with incomes higher than $20,00 would have their tax bills increased by $26.8 billion under the Democratic plan. The greatest increase would fall on those with incomes of more than $200,000 who would pay $8.9 billion more in taxes. In all, individual income taxes would rise a total of $22.8 billion.

Fairness has been the keystone of the Democrats' arguments over the tax component of an hoped-for five-year, $500 billion deficit-reduction plan that would save $50 billion in the first year. Republicans, on the other hand, have been adamant that individual income taxes not rise.

Democrats have maintained that they would not accept President Bush's proposed capital gains tax cut, which they contend would disproportionately benefit the rich, without an accompanying increase in taxes on the wealthy.

The administration tax plan would place a $10,000 limit on the amount of state and local taxes that could be deducted on federal income tax returns. Strongly opposed by lawmakers from states with high income taxes, the provision would generate $35 billion in new revenue over five years, the officials said.

Among the provisions in the Democratic plan, is an extension of the 1.45 percent Medicare payroll tax to cover all taxpayers' incomes. Currently, the levy is paid only on the first $51,300 of wages.

Negotiators met yesterday at Andrews for a seventh day of sequestered bargaining that they hope will be the final phase of talks. They have vowed to keep working until the talks either produce agreement or break down irrevocably.

The negotiators recessed about 10 o'clock last night and will resume talks at 11 a.m. today.

House Speaker Thomas S. Foley (D-Wash.) said yesterday he was still optimistic that a deal could be reached by the end of the week. Grinning, he quickly added: "Sunday is the end of the week for me. . . . Whatever we think it is going to take, it is going to take longer." Bush administration officials said a conclusion of the negotiations was not likely before next week.

The pace of the talks was "glacial," an official said yesterday. "There is no single issue holding it up," Foley said. "There are a lot of tough issues in every aspect of disagreement. . . . They are all difficult."

Among the most difficult are taxes and a proposal, first made by Sen. Phil Gramm (R-Tex.), to require upper-income Medicare recipients to pay higher premiums for the voluntary coverage of most physician and hospital out-patient services, the officials said.

Bargainers appeared to be backing away from the proposal, which has been incorporated into Democratic offers, as lawmakers outside the talks expressed opposition to the proposal.

## NEW ARMS TRANSFERS IN GULF REGION WOULD EXACERBATE SITUATION

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

Mr. BERMAN. Mr. Speaker, I am deeply troubled by the reports we have received in the last week of arms transfers to Saudi Arabia of some of the most sophisticated munitions in the United States arsenal.

It is not because I do not appreciate the role the Saudis are playing in the current crisis. On the contrary, they are doing their utmost to uphold our common interests in the current crisis. If the presence of foreign troops in Saudi Arabia causes them inconvenience or discomfort, the Saudis tolerate them because they have made the calculation that their survival depends on it.

But we cannot let the reigning good will between us obscure the strategic military and political realities in the gulf region:

No matter what we sell to Saudi Arabia, it will never be able to defend itself against a well-armed Iraq; it simply has not got the soldiers and no demographic miracle will change that fact.

There is no guarantee that when the Saudis take delivery of the first of these weapons in 2 to 10 years that the government in power will be one with which we agree; note well that when the United States Government requested armored personnel carriers for Saudi Arabia earlier this year, it justified the sale as a useful mechanism for quelling internal disturbances.

The United States has got to consider regional arms control for the gulf region as the only sensible end game of the current crisis. Unrestrained arms sales to the region will only exacerbate the already catastrophic situation. This fix is simple and stupid. The administration will find lots of us on the Hill willing to discuss more sensible solutions if it only comes up here to consult with us.

## SECRETARY YEUTTER HIGHLIGHTS FARM PROBLEMS

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. ROBERTS. Mr. Speaker, in Chicago this past Friday, Agriculture Secretary Clayton Yeutter highlighted the dangers of short-term solutions for farm country's problems. As he so correctly pointed out, what agriculture wants and needs is consistency, predictability and flexibility.

The Food Security Act of 1985, crafted in this Chamber under the leadership of my colleagues Mr. DE LA GARZA and Mr. MADIGAN, refocused U.S. farm programs on long-term, market-oriented policies, and helped get agriculture on the road to recovery during the worst depression to hit rural America in 60 years.

Secretary Yeutter is urging us to avoid repeating the policy mistakes of the past.

We need to keep our commodity loan rates at levels that prevent USDA from getting back into the grain business.

Farmers need simple, predictable planting flexibility to: encourage the experimentation of new crops; utilize pest management options; implement crop rotation plans; and, to allow them to manage their farm in a common sense manner.

Mr. Speaker, I would like to insert the Secretary's speech into the RECORD. While I do not agree with all of his policy criticisms and while I chafe at his legitimate criticisms of the legislative process—particularly relative to the budget—in Congress that is holding farmers hostage, I believe Secretary Yeutter's remarks should be required reading for all who labor to complete the 1990 farm bill.

REMARKS BY CLAYTON YEUTTER, SECRETARY OF AGRICULTURE, TO THE CHICAGO FARMERS, SEPTEMBER 14, 1990

It's a great pleasure for me to be back in Chicago, especially when it means seeing so many friends and acquaintances. I'd like to thank The Chicago Farmers for extending to me this invitation to talk with you today about America's agricultural future.

As you know, Congress is struggling to resolve differences between their respective versions of the 1990 Farm Bill. What you may not know—and what I'd like to discuss with you today—is that in several notable instances neither version reflects what America's farmers have asked for, nor what America's farmers, as well as America's consumers, need.

At stake here is, quite literally, the future of America's farmers, and our competitiveness in the years and decades ahead.

A BLAST FROM THE PAST

To fully appreciate what is at stake in this upcoming Farm Bill, one only has to recall what America's farmers went through during what I refer to as "The Dark Ages," that period in the early 1980's when Congress argued that it could safely raise support levels without damaging competitiveness, without causing higher budget outlays, without leading to increased supply controls, and without hurting American agriculture.

The end result of this "reign of error" was a near-catastrophic failure of America's farming industry and a full-blown depression among America's farmers.

Our competitors climbed under our price umbrella, increased production and undersold us in the marketplace. Here at home, exports plummeted, farm incomes shrank while farm program costs skyrocketed and land prices fell into the pits. Most tragic of all, thousands of otherwise good, productive farmers—some of them no doubt your neighbors—simply disappeared, losing out not to better farmers from across the country, but to misguided, short-sighted farm policies enacted by non-farmer politicians in Washington, D.C.

Thankfully, enlightenment—and just plain old common sense—was there, just waiting to be used. In 1985, at the height of our farm depression, a farm bill was passed that helped put America's farmers back on the road to prosperity.

By refocusing our farm policies toward market-driven programs, American agriculture became internationally competitive once again, reclaiming lost markets and lost income. The artificially high loan rates of the 1981 bill were decreased and a host of other changes were made to reflect a market-oriented farm economy. Those changes also reflected a new international orientation, a realization that we must compete in a global marketplace. The results speak for themselves. The Food Security

Act of 1985 helped build farm exports from $26 billion up to $40 billion, reduced carryover stocks, raised net farm income to new record highs, reduced farmers' debt loads, and eventually pared Government farm support costs from $26 billion to $8 billion.

Well folks, it's election year, and guess what? Better bring in the cattle and lock the tractors in the barn, 'cause the politicians are on the prowl, and a lot of them are looking for politically expedient, short term solutions to whatever problems they think you have.

BACK TO THE FUTURE

Why else would Congress even entertain the idea of returning to the failed policies of the 1981 Farm Bill, much less write these same policies into a farm bill for the 1990's?

Why else would Congress think that, five short years after near-catastrophe, they can manipulate loan rates without affecting America's export competitiveness?

Why else would Congress, even after hearing America's farmers tell them to leave the Farm Bill alone, produce a 1,600 page document wrought with changes?

And the gall of it all, the one thing American farmers have asked for, planting flexibility, Congress refuses to grant. What's going on? Does Congress think that farmers can't remember ten, even five short years ago?

Well, farmers do remember. They have vivid memories because they pay the price for short sighted, wrong headed policies.

Do they think America's farmers will sell America's agricultural soul for an increase in loan rates? Well, they won't, unless that result is foisted on them by the Congress. Farmers know better.

A HORSE IS A HORSE * * *?

Congress is betting that the farm community will follow the adage of not looking a gift horse in the mouth. I think they're making a big mistake.

Farmers are not a bunch of country bumpkins, and this is one gift horse America's farmers will look in the mouth. When they do, they're going to see a Trojan horse in our midst, with a belly full of malodorous policy cadavers left over from the pre-'85 farm bill, cadavers which haven't seen the light of day for five years, but which Congress proposes to turn loose to run amuck in our farm sector, convinced the results will be much better, this time. I suppose that could be called optimism.

All this is a shame, because Congress and the Administration worked hard to get a very good farm bill on the books in '85, and we can do the same in 1990, regardless of the partisan shrill of some members of Congress who claim the Administration hasn't come forward with sufficient guidance for a 1990 Farm Bill.

Nothing could be further from the truth. It wasn't that the Congress had no guidance from the Administration and the Secretary of Agriculture. They simply chose to ignore much of that guidance, and to ignore much of the input they got from farmers themselves.

RED MEANS STOP, GREEN MEANS GO

After talking with America's farmers, farm organizations, commodity groups, agribusiness and industry representatives, the academic community, and members of Congress, we published a book back in February that spells out in great detail the Administration's proposals for continuing the successful course set in the 1985 legislation.

We call it our "Green Book," our "go" book, because it is filled with workable, proven policies—all of them building on the successes of the 1985 Act, while avoiding the mistakes of 1981. Though time won't allow me to review all of these proposals with you today—the Green Book consists of more than 145 pages worth of very specific policy recommendations—I would like to mention a few of the more obvious areas where important differences between the Administration and Congress still exist.

Dairy: The proposed legislation provides a rigid price floor of $10.00/cwt. and provisions which are certain to bring production quotas or other draconian supply control measures as surpluses build up at the fixed floor price. This combination is ill-conceived and self-destructive. It will clearly lead us down a path to gigantic surpluses, and is designed to place the cost burden of those surpluses on the backs of the American consumers.

Dairy farmers are already beginning to expand production, even before these provisions become law! California milk production in July was up 8 percent from a year earlier, and the whole country's was up 5 percent. Expansion is encouraged by the price floor, and even more so by the expectation that supply controls will be introduced when surpluses arise. Producers are beginning a "race for base" in anticipation of regulated quotas limiting their domestic marketing. If the legislation passes in its present form, we'll be well on our way to creating a permanent regulatory apparatus for U.S. dairy production.

These provisions are the antithesis of market principles, diametrically contrary to the progress and principle of the 1985 Farm Bill, and must be changed. Such retrogression is not acceptable. Our export oriented industries—corn, soybeans, cotton, rice, wheat, cattle, hogs, and others—should pay close attention to what the Congress does on this issue. Passage of this pending dairy legislation could demolish their opportunities for opening up additional export markets.

Loan Rates and Acreage Reduction Programs (ARPS): Though these are separate issues, the policy consequences are nearly identical, so I'll treat them together.

Whenever prices trend downward, as they have on wheat in recent weeks, there is always a temptation for Congress to raise loan rates, take land out of production, or both. The latter presumably will raise prices by reducing supplies in future years, and the former provides a price floor for products that farmers have not yet sold. These are politically expedient moves, and they provide at least some short term benefits to farmers.

But we must have a longer term view than that, or we'll discover that we've helped ourselves in the short run while shooting ourselves in the foot in the long run. That is precisely what we did in the early 1980s and we all know the results. Higher price floors led to a huge accumulation of surpluses, our export collapsed, farm incomes plummeted, land values deteriorated, and thousands of farmers went out of business. All this while government thought it was helping!

We simply must learn that higher loan rates may provide a more attractive safety net for our producers, but they also provide a similarly attractive price umbrella for our competitors. The impact of the latter often overwhelms the former, and that gets us all in trouble. Our price umbrella stimulates a production response in competitor nations, and those additional supplies come back to haunt us on the world market. We've repeated that unfortunate experience on numerous occasions over the past half century and loan rates higher than those provided for in current law should be rejected out-of-hand.

Encouraging higher ARPs, or other schemes to take land out of production, has the same effect. Why do you suppose negotiators from other countries are clamoring in the Uruguay Round for the United States to sustain or increase its set-aside acreage? Not because they're interested in our farm incomes, I assure you. It is because they are interested in their farm incomes! They know that if we'll "unilaterally disarm" by pulling additional land out of production, that makes us less competitive and gives them a golden opportunity to increase market share. We cut back our production; they increase theirs. A good deal if you can get it—for them! We did that to ourselves just a few years ago, and we've been paying for that mistake ever since. I'm going to do everything in my power to avoid that result now, and that means we're going to have to change a number of ARP provisions in the 1990 Farm Bill.

Flexibility: Every farmer I've talked to since becoming Secretary of Agriculture would like more flexibility in his operations. Every farmer I've talked to would like to see farm programs simplified. Every farmer I've talked to would like to make more of his own decisions, and have fewer decisions imposed upon him by the federal government.

So what does Congress do? It passes a 1,600-page piece of legislation that goes in precisely the opposite direction! Why would Congress do such a thing—seemingly contrary to the wishes of its own constituency? Everyone is entitled to his own analysis of that phenomenon, but my view is that Congress does not want farmers to make their own decisions. Political power comes from having those decisions centered in Washington, D.C., and Congress likes power. The same analysis applies to farm organizations. Their survivability and their staff jobs depend on political activity here in Washington. Putting decisions in farmers' hands makes Congress and farm organizations less relevant. Hence, there is a strong self-interest motivation on the part of many members of Congress and many farm organizations to make farm programs rigid and complex, rather than simple and flexible.

Who pays the price? The farmer, of course. And the environment, for rigid, inflexible farm programs clearly bring about more environmental degradation than would otherwise be the case. It is ironic that environmental groups paid little attention to the flexibility issue during the farm bill debates, even though the Administration's flexibility proposal would probably do more for environmental protection than all the rest of the bill's environmental provisions combined.

Is this situation reparable? Not entirely at this late date, but the conferees could still make a number of changes that would significantly enhance flexibility. Let's hope that farmers, environmentalists, and the Administration can, over the next two weeks, build a persuasive case of doing that.

Target Prices/Deficiency Payments: Earlier this year, some members of the Agriculture Committees criticized me for being unwilling to specify the Administration's target price objectives. They wanted those numbers as 1990 campaign fodder, of course! So there were sound political reasons for us not to provide them at that time. But I also pointed out that budget constraints would

determine the level of income supports for American agriculture, and that we did not then know what those constraints would be. As of today, we still don't know, for Congress and the Administration have not yet reached agreement at the Budget Summit. Hopefully, they will do so within the next few days.

It is possible that a summit agreement will provide the target price/payment base parameters for U.S. agricultural policy over the next five years. If not that specific, the agreement will provide a budget sum, and the task of allocating that sum will go to the farm bill conferees. We will offer our views in that proceeding.

The choice will be to adjust target prices, payment bases, or a combination of the two, crop by crop. Congress and the Administration must try to work this out in a way that will be fair and equitable, and advantageous to American agriculture as a whole.

Sugar: American sugar policy has some of the same shortcomings as our dairy regime. Somebody pays, and the policy debate is over whether that should be the taxpayer, the consumer, or a combination of the two. In recent years that burden has been entirely on the consumer, because present legislation calls for the program to operate at no cost to the taxpayer.

That foundation is now very shaky. With a price support of $0.18/lb., sugar production in the United States has expanded, and import quotas have had to be reduced in order to avoid forfeitures of sugar to the government.

Crunch time is coming, and the answer of our sugar industry has been to add to the 1990 Farm Bill provisions for a stand-by program of marketing allotments. What this means is that we're about to create another program where the government will artificially shrink supply in order to protect the taxpayer. What is not mentioned is that this will zap the consumer even more at the present.

Our view at the beginning of the farm bill debate was that Congress should simply not tamper with the sugar program in 1990, but should await changes that would be negotiated in the Uruguay Round. In other words, we and other sugar producing nations should go down the reform road together. I still believe that makes the most sense. The House, however, could not resist the temptation to change the program. In our judgment, they made it worse, and that needs to be corrected in conference. If we're going to change it, let's make it better! Movement to less market orientation via supply management is something that should not be accepted.

Marketing Loans for Oilseeds: Our soybean producers have pushed hard this year for some kind of legislation to give them a boost in the international marketplace. My personal view is that the proper way to do this would be through a target price/deficiency payment program, similar to the one that has long been in place for feed grains and wheat. But budget considerations made that impractical, so oilseed producers turned to the marketing loan framework was an alternative.

Unfortunately, there is major budget exposure in this proposed program, and that will have to be considered during the conference committee deliberations. The Congressional Budget Office does not now recognize that exposure, but that could change as this process evolves.

In addition, this program creates at least five or six new program crops—sunflowers, safflower, flaxseed, rapeseed, canola, and mustard seed. Market loans for these threaten to become an administrative nightmare. For some of these crops, a good data base on either U.S. or international prices does not now exist. It is an impossible task for the Department to administer programs for which the underlying data is not available. Such a situation is bound to generate inequities and distortions. How do we mesh U.S. and world market prices to make us competitive in an oilseed where there is no world market?

Conferees should look very closely at this entire proposal before we get ourselves in a position that might do oilseed producers more harm than good.

Studies: Whenever Congress discovers an issue for which legislation would be premature, or one that is just too hot to handle legislatively, the response is to ask someone to study it. That someone is usually the Department. The 1990 Farm Bill calls for over 100 studies, surveys and reports to be done on a variety of issues from Canadian alfalfa seed exports to composting.

We don't mind doing studies, and we believe we do them well. But over 100 of them? That takes a lot of time, money and manpower. The conferees ought to jettison the low-priority studies, or give me the privilege of doing so, and let us get on with administering our many programs.

Micromanagement: Finally, as a nation we legislate ourselves too much these days. We cannot solve all the problems of the world—or even of U.S. agriculture—in Congress. A lot of these alleged or perceived problems ought to be handled by the private sector, and legislative bodies ought to keep their hands off. And those which do demand a legislative solution can often be dealt with at lower levels of government. We seem to be returning to a trend of trying to solve problems in Washington, D.C., rather than locally, and of solving problems by regulating everything and everybody. That is a trend that was resisted ferociously, and with considerable success, by the Reagan administration, but it has now come back to challenge the Bush administration. We intend also to resist Congress' tendency to micromanage and over-regulate, but we'll need the help of the American public in doing so.

The 1990 Farm Bill has plenty of examples of Congressional micromanagement. We do not need a 1,600-page farm bill! It encompasses too much government, too much direction to farmers, too much regulation, too much infringement in people's lives.

We ought to be able to do better. And we can do better; 1985 proved that. The question today is, will we? Have we learned from the past, from the mistakes of 1981, or, as the adage goes, are we doomed to repeat them?

BACK TO THE FUTURE—AG-STYLE

The premise that made the "Back to the Future" movies so enthralling was the ability of the good guys, as well as the not-so-good guys, to jump aboard an old DeLorean time-travel machine and blast back and forth from past to future, gaining a first hand account of the cause-and-effect of seemingly insignificant individual actions.

I've often thought that if I had a time-travel tractor and could take members of Congress "back to the future," they wouldn't be as eager to resurrect some of the ill-conceived portions of their dead-and-buried farm bill of 1981 as they seem to be.

But I'm always an optimist. And I'm still confident that clearer visions will ultimately prevail in the halls of Congress, and they will listen to what America's farmers, and the Bush administration, are trying to tell them: Please, we've lived through the past, and we've seen the future. The past can indeed be a prologue for the 1990 Farm Bill, but the future of America's farmers should be based not on the tragedy of 1981, but on the triumph of 1985.

Let's build on past successes, not past mistakes. Call your representatives and tell them to build on '85, not return to '81. Or, just tell them "green means go."

We'll make sure they know what you're talking about.

□ 1220

## DISPENSING WITH CALL OF CONSENT CALENDAR

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar be dispensed with.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Texas?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

The vote on S. 3033, if postponed, will occur at the end of debate on all suspensions, but no earlier than 4 p.m. The vote on the remaining suspension bills will be postponed until tomorrow.

## THE 1992 OLYMPIC COMMEMORATIVE COIN ACT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4962) to authorize the minting of commemorative coins to support the training of American athletes participating in the 1992 Olympic Games, as amended.

The Clerk read as follows:

H.R. 4962

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "1992 Olympic Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 500,000 $5 coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of such $5 coins shall be emblematic of the participation of American athletes in the 1992 Olympic Games. On each such coin there shall be a designation of the value of the coin, an in-

scription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 4,000,000 $1 coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the $1 coins shall be emblematic of the participation of American athletes in the 1992 Olympic Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 6,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall be emblematic of the participation of American athletes in the 1992 Olympic Games. Each half dollar coin shall bear a designation of the value of the coin, an inscription of the year "1992", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) SILVER BULLION.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(b) GOLD BULLION.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

SEC. 4. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the United States Olympic Committee and the Commission of Fine Arts.

SEC. 5. SALE OF THE COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the $5 coins, $7 per coin for the $1 coins, and $1 per coin for the half dollar coins.

SEC. 6. ISSUANCE OF THE COINS.

(a) GOLD COINS.—The $5 coins authorized under this Act shall be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) SILVER AND HALF DOLLAR COINS.—The $1 coins and the half dollar coins authorized under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the Bureau of the Mint may be used to strike any particular combination of denomination and quality.

(c) SUNSET PROVISION.—No coins shall be minted under this Act after June 30, 1993.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the United States Olympic Committee. Such amounts shall be used by the United States Olympic Committee for the objects and purposes of the committee as established in the Amateur Sports Act of 1978.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the United States Olympic Committee as may be related to the expenditure of amounts paid under section 8.

SEC. 10. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund:

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 11. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) ADEQUATE SECURITY FOR PAYMENT REQUIRED.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 4962, authorizes the minting of gold, silver and clad coins to honor the participation of American athletes in the 1992 Olympic Games. This legislation, introduced by Mr. LEHMAN of California, and Mr. HILER, would provide much needed funds for the training of Olympic athletes—and these funds would be raised at no net cost to the Government and the American taxpayer. The first Olympic Commemorative Program, in 1984 raised over $73 million for the Olympic effort and the second program of 1988, which got off to a late start, raised almost $23 million.

The funds that these two congressionally authorized programs have provided have been critical to the success of the American Olympic effort—and I am certain that this legislation, if approved, will go a long way to help American athletes achieve their greatest potential.

I know that all of us have been inspired by the sacrifice, dedication, and discipline of the athletes who strive to participate in the Olympic games. The financial and personal sacrifices made by these individuals are almost impossible for many of us to comprehend. Today, however we have the opportunity to pass legislation which might make the financial burden of training for the Olympics a little easier to bear, or which could help support athletes who might not otherwise be able to afford to train for the Olympics.

In testimony given before the house banking subcommittee on consumer affairs and coinage, athlete after athlete told of the difference that financial aid, provided from the sales of 1988 Olympic coins, had made to their success and even their world ranking.

The Olympics has always produced heroes and positive role models for young Americans, and I think now more than ever what our country needs is more positive role models. This legislation is an opportunity to give something to those who have been an inspiration to so many—to help sponsor those who will inspire young Americans to strive for great achievement.

Mr. Speaker, the two previous Olympic coin programs were passed near unanimously by Congress, and this bill has the support of over 230 cosponsors in the House. The bill was amended in subcommittee making a few minor changes to address concerns of the mint, as well as to add a clad coin to the commemorative series. The clad coin provides an affordable alternative to the gold and silver coins and has been a component of most major coin programs.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support.

The amended bill was reported by the consumer affairs and coinage subcommittee without dissent. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in strong support of H.R. 4962, the 1992 Olympic Commemorative Coin Act. I want to commend the sponsors of this bill, Consumer Affairs and Coinage Committee Subcommittee Chairman LEHMAN and ranking member HILER for the fine work they have done in order to conform H.R. 4962 to subcommittee rules and to bring this legislation to the House floor and to the Chairman for his expeditious manner.

This is the third Olympic Coin program that Congress has authorized. As the Chairman mentioned, in 1984 the first Olympic Commemorative Coin program raised $73 million for our athletes and in 1988 the program raised $22 million. We must recognize that U.S. athletes are the only athletes in the world who are not supported directly by their government. This government sponsored coin program is the only device that we may use to support our athletes. I am hopeful that the 1992 program will be extremely successful in helping our athletes overcome personal financial sacrifices to represent our country in the games.

I would briefly like to summarize the key provisions of the bill. Section 2 authorizes the minting of up to 500,000 gold coins, 4 million silver coins and 6 million clad coins. The coins would commemorate the participation of the athletes in the 1992 games.

Section 4 specifies that the design of the coins shall be selected by the Secretary of the Treasury after consultation with the U.S. Olympic Committee and the U.S. Commission on Fine Arts.

Section 5 requires that the coins would be sold directly to the public and would carry a surcharge of $35 on the gold coins; $7 on the silver coins; and $1 on the clad coins.

Section 8 requires that the surcharges be promptly paid to the U.S. Olympic Committee.

Section 9 permits the GAO to audit the U.S. Olympic Committee concerning the coin program and Section 10 of the bill requires that the coins be minted at no net cost to the government.

I am optimistic that the 1992 Olympic Coin program may be as successful as our initial program in 1984. I must admit that Subcommittee members are somewhat disappointed at the results of the 1988 program which fell far short of the moneys raised in 1984. Several reasons have been offered for this shortfall. I am hopeful that by enacting this legislation two full years before the games that the Mint will have sufficient lead time to better prepare its marketing programs in 1992.

Additionally, I believe greater cooperation by the U.S. Olympic Committee with the Mint is necessary to ensure that we improve upon the 1988 program. Our subcommittee will be looking very closely at the operation of the 1992 program, particularly the level of cooperation that the U.S. Olympic Committee is giving the Mint. Greater cooperation is essential to future programs and will only benefit the athletes.

In closing, let me say that I strongly support H.R. 4962. The 1992 Olympic Commemorative Coin Act will help our athletes who desperately need funds to train in order to represent our country. I urge my colleagues to join me in supporting this measure and to promptly pass this important legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McMILLEN. Mr. Speaker, I rise today on behalf of the U.S. Olympic Team. As our Olympians prepare for the upcoming games it is necessary for us to provide crucial financial support to aid our athletes in their quest to become the "best athletes in the world."

Mr. Speaker, the United States remains the only nation that does not provide direct funding to our Olympic athletes. In fact, through our television networks the American consumer not only is the major financial contributor to the production of the games, but financially supports the training of foreign athletes as well. Members may be interested to know that while the ABC network paid $309 million for the rights to the 1988 winter games, 95 percent of the total that the International Olympic Committee [IOC] raised from all the worldwide broadcasting rights, U.S. Athletes only received a miniscule 2.5 percent of that amount. The rest of the funds went to the IOC, the Calgary Organizing Committee, and to the Olympic committees of other nations.

In the United States our private sector plays the greatest role in providing financial assistance to our Olympians. This is how it should be. However, sometimes we need to supplement this aid. H.R. 4962, the Olympic Coin Act, will help us to do that, as it did in 1984 and 1988, but at no cost to the taxpayer.

This act will provide crucial revenues to propel our athletes further along the road to excellence. How do revenues from Olympic coins aid the performance of our athletes?

By extending grants to individual athletes to offset the high costs of training, by defraying tuition costs for athletes in degree programs, by enabling athletes who work to gain time-off for vital training, and by filling the variety of other needs that surface as individuals follow the route to the Olympic games.

The correlation between financial assistance programs and positive gains in performance by athletes is impressive; 100 percent of U.S. Athletes surveyed maintained that this assistance helps to improve performance, while 98 percent said that the U.S. Olympic Committee [USOC] programs have translated into demonstrable performance gains in this year alone.

Important as they are, financial assistance programs comprise only one target for Olympic Coin Act revenues. The others are equally noteworthy and essential for the success of the U.S. Olympic Team; grassroots programs, elimination of steroid drug-use in sports, and the replacement and improvement of training equipment and facilities at Olympic training centers.

To persevere through intensely rigorous trails and training, and indeed to become the best in the world, is a noble aspiration that the American people cannot afford to leave unfulfilled. Representing the United States in the Olympic games is an honor cherished by our athletes. By supporting this Olympic Coin Act, the U.S. Congress can help to ensure that American athletes will continue to win the highest marks in the world.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 4962, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 4962, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## DEPOSIT INSURANCE FUNDS PROTECTION ACT OF 1990

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5610) to amend the Federal Deposit Insurance Act to remove the caps imposed on deposit insurance premiums and annual premium increases, to allow the assessment rates to be adjusted more frequently than annually, and for other purposes.

The Clerk read as follows:

H.R. 5610

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deposit Insurance Funds Protection Act of 1990".

SEC. 2. ELIMINATION OF CEILINGS ON INSURANCE PREMIUMS AND ANNUAL PREMIUM INCREASES.

(a) BANK INSURANCE FUND.—Clause (iv) of section 7(b)(1)(C) of the Fedreal Deposit In-

surance Act (12 U.S.C. 1817(b)(1)(C)) is amended by striking "and capitalization, except that—" and all that follows through the end of such clause and inserting "and capitalization; and".

(b) SAVINGS ASSOCIATION INSURANCE FUND.—Clause (v) of section 7(b)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(D)) is amended by striking "and capitalization, except that—" and all that follows through the end of such clause and inserting "and capitalization; and".

SEC. 3. FDIC AUTHORITY TO ADJUST ASSESSMENT RATES MORE FREQUENTLY THAN ANNUALLY.

(a) BANK INSURANCE FUND.—Section 7(b)(1)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(A)) is amended—

(1) by striking clause (i) and inserting the following new clause:

"(i) AUTHORITY TO ESTABLISH RATES.—The Corporation shall set assessment rates for insured depository institutions at such times as the Corporation, in the sole discretion of the Corporation, determines to be appropriate."; and

(2) by striking clause (iii) and inserting the following new clause:

"(iii) ANNOUNCEMENT OF RATE CHANGES.—If the Corporation changes the assessment rate, the Corporation shall provide public notice of such change on or before the beginning of the 60-day period ending on the date such change takes effect.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 7(b)(1)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(A)(ii)) is amended by striking "annual".

(2) Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended—

(A) in subparagraph (C)(iv) (as amended by section 2(a) of this Act)—

(i) by striking "on January 1 of a calendar year" and inserting "for any period"; and

(ii) by inserting ", in the sole discretion of such board," after "rate determined by the Board of Directors"; and

(B) in subparagraph (D)(v) (as amended by section 2(b) of this Act)—

(i) by striking "on January 1 of a calendar year" and inserting "for any period"; and

(ii) by inserting ", in the sole discretion of such board," after "rate determined by the Board of Directors".

(3) Section 7(d)(1)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(1)(A)) is amended—

(A) by striking "By September 30 of each calendar year," and inserting "Before the beginning of the 60-day period ending on the 1st day of each semiannual period,"; and

(B) by striking "the succeeding calendar year" and inserting "such semiannual period".

(4) Section 7(d)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(2)) is amended—

(A) in subparagraph (A), by striking "in the coming year" and inserting "in the coming semiannual period"; and

(B) in subparagraph (B),

(i) by striking "succeeding year" each place such term appears and inserting "succeeding semiannual period"; and

(ii) by striking "succeeding calendar year" and inserting "succeeding semiannual period".

(5) Section 7(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(3)) is amended—

(A) in subparagraph (A), by striking "in the coming year" and inserting "in the coming semiannual period"; and

(B) in subparagraph (B),

(i) by striking "succeeding year" each place such term appears and inserting "succeeding semiannual period"; and

(ii) by striking "succeeding calendar year" and inserting "succeeding semiannual period".

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for many years, I have been concerned about the health of the deposit insurance funds. Although the focus has most recently been on losses to the savings and loan insurance fund, I know that in my home State of Texas more banks than thrifts have failed. Information revealed in recent hearings of the Banking Committee and reports issued by the General Accounting Office and the Congressional Budget Office has confirmed and heightened my concerns. Thirty-one of my colleagues on the Banking Committee are cosponsors of the legislation I present today.

The bank insurance fund, or BIF is facing a fifth consecutive year of multibillion dollar losses. Its net worth is down to $11 billion and its reserve level is at less than half the amount required for minimum safety. The financial condition of the fund will almost certainly continue to deteriorate as the bank industry's condition declines along with the economy. The General Accounting Office now estimates that the BIF may lose up to $6.3 billion next year based on its projections that 35 large banks are likely to fail or require assistance within the next year. Even worse, the CBO estimates that the BIF's gross spending will total about $35 billion over the 1990-93 period and that cash balances will largely be depleted by 1995. In addition, the BIF is contingently liable for $8 billion of troubled assets that acquirers may put back to the FDIC under deals already done.

The bank insurance fund and the savings association insurance fund or SAIF are both required to have a reserve ratio of at least $1.25 for each $100 insured. The SAIF basically has no reserves because it will not become operative until 1992; in the meantime the Resolution Trust Corporation is responsible for resolving failures of savings associations. The bank insurance fund today stands at less than half of the required reserve. In fact, the bank insurance fund has lost money every year since 1983, and just since 1987, the reserve has fallen from $1.10 per $100 insured to 60 cents per $100 insured with recent predictions that it will fall still further, to 50 cents.

This is in spite of the fact that bank and thrift insurance premiums were increased drastically in last year's bill, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA]. Moreover, the FDIC has announced the maximum permissible premium increase for 1991—19.5 cents per $100 insured, an increase of 7.5 cents.

Clearly, the bank insurance fund will go the way of the FSLIC unless quick action is taken to shore up the fund. The GAO has stated that the BIF's low reserve level accompanied by a recession could lead to bank failures that would exhaust the fund and require taxpayer assistance.

The purpose of H.R. 5610 is to give first aid to the deposit insurance funds. H.R. 5610 is a simple bill that provides the FDIC with the authority it needs to effect immediate improvements in the health of the deposit isurance funds.

First, H.R. 5610 gives the FDIC discretion to raise insurance premiums for banks and thrifts to whatever level the FDIC deems appropriate to restore the insurance funds to health. In determining the appropriate level, the FDIC is instructed to consider the expected operating expenses, case resolution expenditures, and investment income of the insurance fund, and the impact of the premiums on insured bank and thrift earnings and capitalization.

Second, the bill allows the FDIC to set assessment rates at such times as it deems appropriate. Rate changes must be publicly announced at least 60 days before the change becomes effective. Under current law, changes can be made only once a year and must be announced by September 30 of each year. H.R. 5610 gives the FDIC the ability to respond more quickly to changes in the conditions of the funds and institutions.

Chairman Seidman of the FDIC supports H.R. 5610 as a way to grant the FDIC needed flexibility with respect to the timing and magnitude of increases in the assessment rate.

As you know, I am currently working on a comprehensive deposit insurance reform bill, the contents of which have been described to each of you in a "Dear Colleague" circulated last week. The provisions of what is now H.R. 5610 were a part of that plan. However, given the recent revelations

concerning the deposit insurance fund's condition, it is prudent to move this bill separately and expeditiously. Senator RIEGLE has introduced similar legislation in the Senate for prompt consideration. I believe it is critical that the Congress pass this legislation before adjournment and I have every reason to believe it can be done. I ask your support.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5610, the Deposit Insurance Funds Protection Act of 1990.

Mr. Speaker, last Thursday I joined Chairman GONZALEZ as the original cosponsor of this legislation. I believe that this legislation is essential for maintaining a healthy balance in the FDIC's bank insurance fund [BIF]. This bill is supported by the administration because it would provide immediately "more flexibility to the FDIC to raise assessments on commercial banks to replenish the Bank Insurance Fund."

I would not characterize this legislation as emergency legislation, but I would characterize it as necessary. There is a critical difference between what we are doing now, and the savings and loan crisis. On this occasion, we are practicing an ounce of prevention—before a pound of cure is needed.

I believe that if we are to avoid a repeat of the savings and loan disaster that we must practice aggressive oversight and when danger appears on the horizon, act accordingly to keep small problems from becoming bigger problems.

Simply put, this legislation will repeal all statutory caps on the FDIC's ability to raise insurance premiums. Last year in FIRREA, we authorized the FDIC to raise premiums, but only by as much as 7.5 cents (per $100 of insured deposits) annually. Additionally, we placed an overall cap of 32.5 cents on how high premiums could go. It is now clear to us that the FDIC needs more flexibility to structure the premiums as the need requires.

This does not necessarily mean that premiums will be raised for banks. In fact, they have just been raised to 19.5 cents by the FDIC. Chairman Seidman has indicated that he does not believe that premiums will need to go beyond this level for the time being.

Nevertheless, by raising premiums by 7.5 cents (up to 19.5) the FDIC would have to wait an entire year to raise them again. I don't want to take that chance. The FDIC needs this flexibility.

It would be irresponsible for us to allow the fund to be depleted because the restrictive cap stayed in place.

It would also be irresponsible to the taxpayers, because they stand behind the fund. The responsibility for the solvency of the fund rests primarily with the banking industry, and we should keep it that way.

The Chairman has pointed out reasons why we need this legislation.

Let me review some of the problems in the industry that have made this legislation necessary. I will caution other Members that this is not intended to be a "Chicken Little" view of the banking industry, but rather a look at the facts as they are. We don't have to scare our constituents with a negative view of the banking industry, but unlike the S&L crisis, we can't pretend that the problem does not exist by not talking about it.

The vast majority of banks are healthy and profitable, but as always a small number of troubled institutions threaten to deplete the insurance fund. In fact, the CBO estimates that one big failure could cost the fund as much as $10 billion.

BANK EARNINGS

On July 30, I asked Chairman Seidman about the condition of the fund. He replied that it was "under considerable stress."

The fund is under stress for several reasons. First, since the enactment of FIRREA, a regional recession has been growing in the New England area. Problems with real estate are now evident in New England, New York, and there are some signs it is spreading to the Southeast. The Southwest continues to struggle under problems. The downward pressure in the real estate markets has reduced bank earnings, and as a result the FDIC fund is under a strain. In 16 States banks have an average of 3 percent or more real estate loans that are not current.

In the first 6 months of this year bank earnings were down 18.5 percent compared to 1989. This is largely as a result of loan loss reserves that are needed for poor real estate loans.

BANK FAILURES

Banks are also continuing to fail at high rates. In the first half of 1990, 99 banks have failed. Last year, 101 banks had failed during the first half. The GAO estimates that the FDIC could lose $2 billion this year because of the continuing high rate of bank failures.

If the FDIC loses money this year, it will be the third year in a row that the fund has lost money. Although, the number of problem banks has been shrinking in the last few years, over 1,100 banks are still on the FDIC's problem bank list, nearly 9 percent of the industry. Additionally, I am concerned of course that the GAO has demonstrated that banks can fail without ever appearing on the problem bank list, or appearing for only a short time before failure.

THE FDIC FUND

Reduced earnings and bank failures have taken their toll on the FDIC. At the end of 1989, the FDIC fund had reserves of $13.2 billion. This put the fund at its lowest reserve-to-deposit ratio ever. At the end of 1989, the fund was holding only 70 cents for every $100 it insures. In the last 2 years, the fund has lost 28 percent of its reserves. Last year in FIRREA, we set a goal for the FDIC to have a reserve-to-deposit ratio of 1.25 percent by 1995. The prospect of the fund attaining this goal clearly is not good. In fact, under no scenario does the GAO believe the fund will reach this level without significant new premium increases.

The Congressional Budget Office has estimated that if we did not change the premiums from the 19.5-cent level, by 1995 the fund could only have $12 billion remaining, with a reserve-to-deposit ratio of only 0.50 percent. This is far too low, and frankly, unacceptable.

GAO AND CBO ESTIMATES

Finally, both the GAO and the CBO have given us ample warning that the future is not necessarily brighter. Just last week the GAO released its report on the condition of the FDIC. After an exhaustive review, they believe that 35 banks with assets of $45 billion are likely to fail in the future. Their failure will deplete the fund by $4.4 to $6.3 billion. Moreover, the GAO concludes that a significant number of other banks are in danger of failing over the next few years and that a recession would only heighten the dangers.

By CBO's estimate, the fund could have net losses of $21 billion from 1990 to 1993. This would require the FDIC to use anywhere from $35 to $40 billion during that period. Under this scenario the fund would have a balance of $12 billion, but a cash balance of only $7 billion.

All of these facts point in one direction. We must start taking corrective action now. We must prevent this from becoming another S&L debacle. We must avoid repeating the mistakes of the past. The Congress' track record during the S&L crisis was not a good one; there was too much delay in taking corrective action. As the old saying goes, those who do not learn the lessons of history are doomed to repeat them. This Congress cannot let that happen.

I would urge all my colleagues to support this legislation. The Senate is considering similar legislation. The administration is supporting our efforts. I believe that we can enact this bill before we adjourn.

Finally, let me thank Chairman GONZALEZ and Subcommittee Chairman ANNUNZIO, both of whom are strongly supportive of taking action to

insure that the FDIC fund remains strong. Let me also thank those colleagues who have cosponsored this bill.

[From the Washington Post, Sept. 11, 1990]

REFORM DEPOSIT INSURANCE?

Congress is now getting to work on reform of the deposit insurance system. The prevailing opinion is that deposit insurance was responsible for the enormous losses of taxpayers' money in the S&L bankruptcies and that the great lesson of that unhappy experience is the need to limit deposit insurance sharply. But before you accept that thought, you ought to consider another lesson of those bankruptcies.

While the United States has just been through an enormous wave of financial collapses, the unemployment rate has been untouched by it. In those collapses, S&Ls lost huge amounts of their depositors' money—probably well over $150 billion—but no one has lost a job as a result of it except the people who worked directly for those S&Ls themselves. There was no cascading effect, as there was in 1933, when banks' failures destroyed businesses that were their customers. A bank's failure could wipe out its depositors, forcing them to default on their mortgages and debts, in turn throwing other banks and businesses into jeopardy.

Americans have forgotten how financial panics used to sweep through the country, turning financial failures into depressions. It hasn't happened since deposit insurance was enacted two generations ago. For all the things that went wrong in the financial world of the 1980s, the deposit insurance system worked. It prevented the S&Ls' losses from becoming contagious and spilling over into the real economy of jobs, production, sales and investment.

The system can certainly be improved, and Congress is quite right to reconsider it. The calendar for the coming months is crowded with hearings on the subject. But any reform will be dangerously misguided if it succeeds in reducing risks to the federal government only by increasing risks to depositors.

Congress has repeatedly been told that it was the deposit insurance that accounts for the tremendous costs of the S&L fiasco. Wrong. It was deposit insurance that has thrown the losses onto the federal budget rather than onto depositors. Some economists have been arguing that less deposit insurance, or none, would make both S&L managers and their depositors more prudent. That idea is more attractive in theory than in practice.

The present insurance system can be refined to the benefit of both the public and the Treasury. But the principle of deposit insurance is entirely sound. Blaming it for the S&L bankruptcies is like blaming your insurance policy for the fire that burned your house down.

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, September 15, 1990.*

STATEMENT OF ADMINISTRATION POLICY

Re: H.R. 5610—Deposit Insurance Funds Protection Act of 1990

The Administration supports legislation that would provide immediately more flexibility to the Federal Deposit Insurance Corporation (FDIC) to raise assessments on commercial banks to replenish the Bank Insurance Fund. The Administration will send a legislative proposal to Congress in the next few days.

The Administration supports passage of H.R. 5610, but will seek amendments in the Senate to conform to the Administration proposal which will provide more flexibility to the FDIC in order to strengthen the Bank Insurance Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, before yielding to the distinguished ranking majority member and chairman of the Financial Institutions Subcommittee, I do want to point out the indispensable leadership of the gentleman from Ohio [Mr. WYLIE] here as the ranking minority member on the Committee on Banking, Finance and Urban Affairs in a leadership position.

The gentleman from Ohio [Mr. WYLIE] has been most responsive, most cooperative, and we have always tried to minimize the partisanship as much as possible. I think that this is a clear revelation of how effective that type of association does become and indispensable at critical moments.

Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. ANNUNZIO], the hard-working chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance.

□ 1240

Mr. ANNUNZIO. Mr. Speaker, I deeply appreciate the accolades of the gentleman from Texas [Mr. GONZALEZ], and I want to again congratulate the chairman, as well as the gentleman from Pennsylvania [Mr. WYLIE] for the timely introduction of this legislation.

Mr. Speaker, I rise in support of this legislation to allow the FDIC to raise its insurance premiums as it sees fit. I am a cosponsor of the bill and strongly support its goals.

Increasing the insurance premium that banks pay for their deposit insurance only a marginal effect on the state of the fund. GAO's recent report on the bank insurance fund shows that the 62-percent increase in premiums scheduled for next year will only bring in an additional $2 billion. With GAO predicting that 35 large banks are in short-term danger of failing, the failure of even one or two could use up the entire premium increase.

Let us make no mistake about the magnitude of the problem we face. The FDIC bank insurance fund is teetering on the brink of insolvency. GAO's report last week said that the fund is too thinly capitalized to deal with potential bank failures in the event of a recession. Such an event, said the GAO, could bankrupt the fund and require a taxpayer bailout.

"Too thinly capitalized" means the fund does not have sufficient funds, now. Permitting an increase in insurance rates will not bring into the fund the billions of dollars that are needed, now. This bill will not bring the massive infusion that the fund needs, now.

And yet those who dare make the point that the fund is on the verge of bankruptcy are harshly attacked by banks and their apologists.

After I appeared on ABC's Nightline in August, I was attacked in the American Banker newspaper by former FDIC Chairman William Isaac. Mr. Isaac called me vitriolic, when I said "The FDIC is not only in bad shape, it is in horrible shape and without a massive transfusion of money, it will die very shortly and the taxpayers will have to pay for the funeral."

Now GAO has said that the fund is "too thinly capitalized" and that a recession could exhaust the fund and require a taxpayer bailout." It seems to me that GAO has said exactly what I had said.

Mr. Isaac also attacked Dr. Dan Braumbaugh, an economist hired by the Financial Institutions Subcommittee, which I chair, to study the condition of the banking system and the adequacy of the FDIC insurance fund. Mr. Isaac attacked Dr. Braumbaugh for his statement that "six large banks were very close to true insolvency." If anything, Dr. Braumbaugh was being conservative. The GAO report identified 35 large banks as likely to fail.

GAO also pointed out by name the nine money center banks that hold $43 billion in loans to developing countries. These nine banks account for 80 percent of the total U.S. commercial bank exposure on troubled foreign loans.

Of course, Mr. Isaac has reasons for playing down the troubles facing the FDIC. He is a former Chairman of the FDIC, having served from 1981 through 1985. His tenure at the FDIC was marked by a sharp upturn in bank failures. In 1981, there were 10 bank failures, the same as in the previous 2 years. By 1985, the number of failures had jumped to 120. All and all, there were 299 bank failures during the years that Mr. Isaac was Chairman of the FDIC.

One other bank could have made that list but did not. Excluded from those numbers was Continental Illinois, a bank that was nationalized by the FDIC. It was a bank for which Mr. Isaac established the now notorious "too big to fail doctrine." This doctrine required the FDIC to cover large uninsured depositors, as well as the average citizen covered under deposit insurance limits. The policy established by Mr. Isaac led the FDIC to assume billions of dollars in liability that it otherwise had no responsibility for.

Mr. Isaac was also Chairman of the FDIC during a period in which bank regulators cut back on the number and frequency of bank examinations. That policy was followed by the FDIC even in Texas, A State beset by bank failures. By 1989, partly as a legacy of Mr. Isaac's deregulatory moves, there were

banks in Texas that had not been examined by the FDIC for more than 7 years. Even problem banks were only being visited by FDIC examiners every 19 months on average. Troubled banks were being visited by examiners only once every 23 months on average.

With a record like this, it is no wonder that the FDIC had deposit insurance losses of over $6 billion during Mr. Isaac's tenure. In short, Mr. Isaac's legacy to the FDIC were the largest losses to that time, plus a cutback in bank examiners just at the time they were most needed. Finally, he left the legacy of the "too big to fail" doctrine which has put the taxpayer at risk for uninsured deposits, including foreign deposits.

And what was the consequences to Mr. Isaac of his disastrous FDIC tenure? He has become a Washington consultant for banks, and spends part of his time telling the public and press what good shape the industry is in.

Last week, Mr. Isaac notwithstanding, the GAO confirmed my long-term concern that the bank insurance fund is facing a most dire crisis. To deal with the crisis, I introduced H.R. 5590, the Bank Account Safety and Soundness Act.

This bill will protect the taxpayer from any bank bailout. The legislation would require every FDIC-insured bank to put in an amount equal to 1 percent of its deposits into the fund. This would immediately produce an inflow of $25 billion for the fund. It would immediately put the fund on a sound basis.

The GAO report points out another important reason why we must get money into the FDIC fund immediately, rather than hope that increases in insurance premiums will gradually raise enough. When the FDIC sells a bank to an acquiring bank, it often gives the acquirer a right to examine the assets of the failed bank. Any assets that the acquirer does not want, it may put back to the FDIC and receive a cash payment. These puts, the GAO points out, are "similar to the noncash transactions the Federal Savings and Loans Corporation entered into in the latter days of its existence due to the decline of its cash resources."

At the end of last year, the FDIC had approximately $8 billion in puts outstanding. These puts resulted in an interest cost to the fund of $1.6 billion. If the FDIC had the cash, it could have paid off these assets and avoided that cost. The fund could not do it, however, because it would have seriously impaired its liquidity.

In other words, the FDIC, for lack of funds, is being forced to act in the same manner that FSLIC acted in its last days. Let no one mistake the seriousness of the situation facing the FDIC. It is a situation that demands immediate attention. It is not a situation that we can hope for a long-term solution. There is no long term left.

Unless we act to get the FDIC the cash it needs now, it may run out of the funds it needs to deal with bank failures. In that case, it will have two choices.

It could act like the FSLIC and do the kind of costly and expensive deals that the Banking Committee heard about last week. It has already started to act like the FSLIC. In 1988, it hired private lobbysts to help pass certain tax breaks for acquirers of failed banks. It used those provisions to shift $700 million in costs to the taxpayers by giving the acquirers the tax breaks as part of its deals. This is exactly what the FSLIC did. Also, as I indicated earlier, its puts are similar to deals that the FSLIC did with acquirers of failed savings and loans because of its liquidity problems.

FDIC's second option is to ask the taxpayers to pay. That is what the FSLIC finally did, to the tune of $500 billion over the next 40 years.

The Bank Safety and Soundness Act is a way to avoid both alternatives.

The legislation would produce an immediate inflow of $25 billion to the bank insurance fund. If nothing more, this would provide the immediate liquidity that the FDIC will need to meet its cash demands from the outstanding puts. In addition, it will provide the FDIC with funds which would enable it to reduce the cost of carrying those puts.

The legislation would result in the FDIC having an immediate reserve ratio of 1.7 percent. This ratio would be the highest in the history of the FDIC. It would be consistent with the GAO suggestion that Congress and the FDIC consider higher reserve ratios than the currently mandated target of 1.25 percent.

The BASS Act would further require that any time the Bank Insurance Fund fell below 1 percent of reserves, there would be a call upon all banks to make additional deposits into the fund to bring the fund back into the 1-percent level. This would make certain that the taxpayers would be protected from any bailout, since the banks themselves would have to make up any shortfall in the deposit fund.

It is banks who benefit from deposit insurance. Depositors are protected, but the banks get the benefit of being able to attract depositors at lower interest rates. Therefore, it is the banks that should stand behind the deposit insurance fund. The BASS Act, by making them put an amount equal to 1 percent of their deposits into the bank insurance fund, forces them to do so.

The savings and loan crisis has shown that the taxpayers have been called on too much to bail out financial insitutions. Last year, Secretary Brady testified over and over again that "never again should we permit another financial institution crisis." I say never again should the taxpayer be called upon to bail out financial institutions.

To deal with that situation, I have scheduled hearings on the BASS Act for September 27. I hope we can pass it before Congress adjourns. We cannot risk having the FDIC go bankrupt because of one or two large bank failures while Congress is adjourned.

Mr. WYLIE. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I rise in support of H.R. 5610. I come to the House floor today to commend the chairman, the gentleman from Texas [Mr. GONZALEZ] and the ranking Republican, the gentleman from Pennsylvania [Mr. WYLIE] on their decision in leadership to bring this before Members today.

The fact is that an action to raise insurance premiums in any set of circumstances is never going to be popular in the short term. So it does take considerable courage for these two gentlemen to bring this bill to the House floor to increase insurance premiums. But the fact is that the gentleman from Pennsylvania [Mr. WYLIE] and the gentleman from Texas [Mr. GONZALEZ] understand that insurance premiums have to be set based on the size of the underwriting losses, not based on how much we wish the underwriting losses could or should be.

It is true that the Congress will and should act to reduce those losses in the future. However, so long as those losses continue, we should have the FDIC set the insurance premiums for this fund in a way designed to pay the total cost of the underwriting losses, plus provide a considerable cushion for emergencies that may happen in the future.

The banking system cannot be said to be following the same path of the Nation's thrifts in recent years, because in part of this legislation. The banking system has fallen on harder times, and more failures caused by weak real estate portfolios and a slowing overall economy, Those factors placed on the bank insurance fund in a moderate degree of jeopardy. Quick action by Congress, quick action by the Committee on Banking in this instance, and by the regulators, will forestall any further weakening of the funds.

The bill gives the FDIC the power to keep the insurance premium fund solid by removing limits on the premiums. Clearly, long-term changes are necessary. Congress will examine the role of foreign deposits, which are exempt form paying premiums, but are largely, nevertheless, "insured" by the FDIC under the old, and I think outdated, too big to fail doctrine, and

the Congress will have to examine and reform the underlying framework of deposit insurance to remove the incentives that encourage risky behavior by financial institutions. That is because simply raising premiums in the aggregate hurt innocent institutions that have managed their portfolios prudently. Innocent institutions are paying a deposit subsidy on those who took too much risk.

Those actions show courage and foresight by the Committee on Banking leadership, and I support their actions in this very significant and important legislation.

Mr. GONZALEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 5610, the FDIC Insurance Premium Act. As a cosponsor of the measure, I believe that it is important that Congress act on this proposal in a timely manner. I am deeply concerned about the condition of the FDIC fund and the health of our nation's banking system.

H.R. 5610 is a responsible step in meeting the growing difficulties facing banks, the FDIC, and the bank insurance fund. Clearly many banks and the bank insurance fund are currently at risk. The downturn in the economy, depressed real estate markets in the Northeast added to flat markets of the Southwest, growing business failures, questionable appraisal practices, and the debatable value of troubled bank assets being managed by caretaker institutions all add up to deep concerns. While the current situation may not be another S&L crisis, it is imperative that we keep in place the tools for the regulators before the problem gets out of control.

H.R. 5610 gives the regulators the authority to increase premiums for both the bank insurance fund and the savings association insurance fund. This authority will permit the regulators to respond to the current and future shortages in the insurance fund through additional premium increases.

While H.R. 5610 does provide some relief, it should be properly recognized as only one needed step. With the adoption of FIRREA during the first session, Congress did implement other crucial changes to strengthen the regulators' authority and the insurance funds. In addition, Congress and the administration must come to grips with comprehensive insurance reforms. I am pleased that the House Banking Committee and the Subcommittee on Financial Institutions have begun to lay the groundwork for prompt action on this issue early next year. The proposal raised by my colleague, Chairman GONZALEZ, has many positive concepts that should be incorporated into any final reforms which Congress does enact.

While most experts say that the current problems facing the bank fund do not indicate that another S&L crisis is imminent, I am deeply concerned that, like the old S&L regulators, bank regulators are on the slippery slope of explaining away the severity of the problem and suggesting that more, new bank powers are a panacea for today's weak bank health. Congressional refusal to act on new bank powers should certainly not be taken as approval of granting such powers. Regulatory actions, such as expanding activities covered by the insurance fund or permitting expanded bank roles with common trust funds, may well put the bank insurance fund at even greater risk without proper deliberations of safeguards. For the regulators to disregard existing law and to continue to grant new or expanded powers ignores the painful lessons of the administration's S&L slip shod regulation policies of the 1980's. Serious problems remain concerning how sound the FDIC's $13.2 billion fund is. Importantly, $8 billion of this fund is in assets which the GAO questions. Finally, Mr. Speaker, I am dismayed about the complaints coming from some in the financial institutions community about the burden of regulation and their suggestion that in hard times, the regulators should be more understanding and flexible. This approach is a repackaged forebearance argument that contributed mightily to the S&L debacle of this decade. Forebearance did not work for the S&L's and it will not work for banks. Neither Congress nor the administration should pay any attention to this litany of pleas. Forebearance directly contributed to the increased costs of the S&L bailout and would certainly further exacerbate the current stress on the bank insurance fund.

Ensuring the stability of the bank insurance fund and the competitive role of banks in our economy will not be accomplished overnight. I urge my colleagues to support H.R. 5610 as a step in that process.

Nearly $500 million are managed by other banks for the FDIC and may be over valued by 15 percent. One large money center bank could wipe out the FDIC fund according to the GAO and 35 money center banks have serious problems, according to GAO. In 1989 the FDIC fund has only seven-tenths of a percent reserves for each $100 deposit and with further losses in 1990 today will slip further.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume, to take this additional time to express my sincere thanks to the chairman of the Committee on Banking for his complimentary statement with reference to my role in his bill and this legislation. I return the compliment by saying that as the ranking majority member of the Committee on Banking over the last several years, if we had listened to the gentleman from Texas we could have avoided a lot of taxpayer liability as far as savings and loan crisis is concerned. Now, as the chairman and leader of the Committee on Banking, he has acted promptly to prevent, and I use the word "prevent" advisedly, prevent further taxpayer liability in the area of deposit insurance. We do thank the gentleman for that.

Mr. Speaker, this is an ounce of cure. This is preventive medicine. We are only acting early and decisively to deal with a problem that may come up. We have ample warnings from the FDIC and GAO and the CBO that there may be problems. We have the support of the administration, the FDIC, the chairman, and Bill Seidman says he needs this flexibility. It is a good measure that I believe we should pass before Congress adjourns this session.

□ 1240

Mr. GONZALEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARNARD].

Mr. BARNARD. Mr. Speaker, I rise in strong support of the Deposit Insurance Funds Protection Act of 1990. When Congress passed FIRREA in August of 1989, it was intended that the bank insurance fund achieve a reserve balance of $1.25 for every $100 of deposits. From all available projections, this will not be possible. The fund's reserves have decreased by 28 percent over the past 2 years with loss projections for this year running as high as $2 billion. It is now at an all time low of 70 cents for every $100 of deposits. If the economy enters a recession for any length of time, the stress on the fund could be even more severe.

It is vital that the insurance fund have enough cash on hand in order to promptly and decisively deal with problem banks. One of the many factors that greatly increased the losses in the S&L industry was the fact that the FSLIC fund did not have enough money to promptly or properly close institutions. Institutions remained open and raised costs for other institutions by paying high rates to attract deposits. When we finally did get around to closing these institutions, costs had risen significantly or else the only alternatives for resolution were in the long run more costly to the Government.

The FDIC is presently limited under FIRREA to a maximum premium assessment of 0.15 cents per $100 of deposits. H.R. 5610 gives the FDIC the discretion to increase the premium assessment as needed although it is gen-

erally agreed that there is a practical limit on the amount of increase that banks can sustain. According to the CBO and other sources, that limit is about 19.5 cents per $100 of deposits, after which the negative impact on the profitability of insured institutions outweighs the benefits to the funds.

An increase of this magnitude will significantly benefit the fund and assist it in promptly resolving failed institutions. H.R. 5610 is an excellent first step, but more needs to be done, and quickly. Our next step must be to find a way to restructure the industry to attract more private capital so that taxpayers capital will never again be at risk. I strongly urge my colleagues to join me in taking this first step toward a healthier insurance fund.

Mr. LEACH of Iowa. Mr. Speaker, with some reluctance I rise in support of H.R. 5610, the Deposit Insurance Funds Protection Act of 1990. In the wake of the biggest taxpayer bailout in our financial history and on the eve of an increasingly likely recession, banking regulators should have maximum discretion in protecting the deposit insurance fund. Their hands should not be tied by statutorily imposed premium caps.

But it should be understood that while raising insurance premiums provides new resources to the fund, it also weakens the competitive position of financial institutions and thus increases the vulnerability of the fund to more bank failures.

A more effective approach to raising deposit insurance premiums is to stiffen the back of regulators on issues of capital adequacy. The fund's liabilities decrease in direct ratio to the strengthened capital positions of the institutions it insures.

Simply put, the most prudential guarantee of a sound deposit insurance system is the maintenance of prudential capital ratios. Invested capital not only provides a cushion between an institution's balance sheet and the taxpayer, but also keeps lending and investment decisions grounded in disciplined market principles.

Accordingly, it has been disappointing in recent weeks to hear key Federal banking regulators continue to embrace a minimalist 3 percent leveraging ratio. It is not good enough for regulators to espouse the virtues of higher capital standards, then allow weakly capitalized institutions new and risky powers and asset growth.

Ironically, in American banking the bigger the institution, the weaker it is. The institutions with the weakest loan portfolios, highest overheads, and most vulnerable regional economies are the coastal money center banks.

Fortunately, as publicly traded institutions, these are the very banks with the most sophisticated capacity to raise capital. The lacking ingredient is will. In order to insulate shareholders to the maximum extent possible from the lending mistakes of management, money center banks prefer overleveraging to stock dilution. but for the sake of fairness—that is, not to saddle healthy smaller banks with higher premiums to insure against the losses of the larger international banks—and for the sake of banking soundness, it is clear that more capital is preferable to the imposition of higher costs.

Raising money the old fashioned way—through equity markets—has the advantage of increasing individual bank stability and profitability. It also has the advantage of providing capital to still healthy institutions so that they can be better positioned to take over and manage, without excessive taxpayer risk, the unhealthy institutions and loan portfolios of the thrift industry.

Money center banks have taken impressive strides in the past 5 years to decrease their LDC debt liabilities. Nevertheless, in too many formidable instances, it is clear that as improved as major bank balance sheets are, more capital is needed.

If, on the other hand, regulators decide that higher premiums are needed, I would hope that consideration would be given to recognizing the unfair burdens that might be put on well capitalized banks. One possible approach would be to establish a category of banks—perhaps those with tangible capital in excess of 8 percent of assets—and allow such banks a discount in their premium obligations. Such an approach is the inverse of placing premiums on foreign deposits but would have an analogous effect.

Here it should be stressed that from a fairness perspective the case for placing premiums on foreign deposits is powerful. The problem is that if the premiums are more than the earnings spread, American banks could be placed at a competitive disadvantage and would almost certainly cede business apportunities to foreign competitors or develop legal loopholes using foreign subsidiaries to evade payment of American insurance fees.

My sense is its time in banking for regulators to get tough with the powerful few in order to be fair to the industry as a whole and compassionate to the individual taxpayer.

At the risk of simplicity, the insurance issue could most easily be resolved if the Chairmen of the Federal Reserve and the FDIC simply pen a modest number of "Dear John" letters—missives notifying undercapitalized institutions that if given amounts of capital aren't raised by a given date, the top three or four officers of non-complying institutions will be removed.

Such an approach might get the attention of the banks, decrease the need for higher premiums, and make it clear to the taxpayer that never again will the American public be on the line for a financial bail-out of the financial community.

Ms. OAKAR. Mr. Speaker, I rise in strong support of H.R. 5610, a bill amending the Federal Deposit Insurance Act. I want to congratulate Chairman GONZALEZ and ranking minority member, CHALMERS WYLIE, and their staffs for their diligent work in bringing this bill to the floor in such a timely manner. As we have recently become aware, this legislation is very much in need.

Mr. Speaker, last week, the Banking, Finance and Urban Affairs Committee received testimony from Chairman Greenspan of the Federal Reserve Board, as well as reports from the Congressional Budget Office and the General Accounting Office. All sources confirm that the bank insurance fund is in trouble. For example, the General Accounting Office reports that as of the first of this year, the FDIC had 35 large financial institutions on its list of troubled banks that may fail this year or require financial assistance from the bank insurance fund. GAO also stated that if these banks failed over a short period of time, the bank insurance fund would probably become insolvent. Given the very important role the Bank Insurance Fund plays as the underpinning of confidence in our financial system, this is extremely troubling news.

Similarly, the Congressional Budget Office reports that 900 banks have failed over the last 5 years. This is twice as many failures as took place during the first 45 years since the deposit insurance fund was created. CBO also believes that as many as 600 banks could fail between the start of this year and the end of 1993. These additional failures could cost the Bank Insurance Fund approximatley $21 billion. In contrast, the insurance fund contains only about $11 billion. Obviously, the fund is in great jeopardy.

Consequently, I strongly support the content of H.R. 5610. This critical legislation is arriving just in time. The bill will eliminate the 32.5 cents per every $100 insured maximum premium allowed under the Financial Institutions Reform, Recovery, and Enforcement Act passed by the Congress last year. It will also eliminate the 7.5-cent limit on annual increases allowed under current law. In addition, the bill will give authority to the FDIC to increase insurance premiums as it sees fit, so long as the banking industry is given a 60-day notice prior to the date the new rates take effect. In summary, this legislation takes the right action at the right time.

Mr. Speaker, I am hopeful that all of the questions regarding our banking system will be addressed in comprehensive legislation next year. There is clearly a need to reform the deposit insurance system, to answer the question of permissible banking powers, and to make adjustments within the FIRREA legislation to guard against further losses. However, until that time, the stability of the Nation's banking system requires that we pass this important legislation.

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 5610.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and include therein extraneous material on H.R. 5610, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## ESTABLISHING A NATIONAL POLICY ON PERMANENT PAPERS

Mr. WISE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 226) to establish a National Policy on Permanent Papers, as amended.

The Clerk read as follows:

H.J. RES. 226

Whereas it is now widely recognized and scientifically demonstrated that the acidic papers commonly used in documents, books, and other publications for more than a century are self-destructing and will continue to self destruct;

Whereas Americans are facing the prospect of continuing to lose national historical, scientific and scholarly records, including government records, faster than salvage efforts can be mounted despite the dedicated efforts of many libraries, archives, and agencies, such as the Library of Congress and the National Archives and Records Administration;

Whereas the Congress has already appropriated $50,000,000 to the National Archives and Records Administration, $32,000,000 to the Library of Congress, and $2,400,000 to the National Library of Medicine for deacidifying or micro-filming books too brittle for ordinary use, and $25,000,000 to the National Endowment for the Humanities for grants to libraries and archives for such purposes;

Whereas nationwide many hundreds of millions of dollars will have to be spent by the Federal, State, and local governments and private institutions to salvage the most essential books and other materials in the libraries and archives of academic and private institutions;

Whereas there is an urgent need to prevent the continuance of the acid paper problem into the indefinite future;

Whereas acid free permanent papers with a life of several hundred years already are being produced at prices competitive with acid papers;

Whereas the American Library Association Council in a resolution dated January 13, 1988, has urged publishers to use acid free permanent papers in books and other publications of enduring use and value, and other professional organizations have expressed similar opinions;

Whereas some publishers such as the National Historical Publications and Records Commission, the Library of Congress and many university presses are already publishing on acid free permanent papers, and the Office of Technology Assessment has estimated that only 15 to 25 percent of the books currently being published in the United States are printed on such paper;

Whereas even when books are printed on acid free permanent paper this fact is often not made known to libraries by notations in the book or by notations in standard bibliographic listings;

Whereas most Government agencies do not require the use of acid free permanent papers for appropriate Federal records and publications, and associations representing commercial publishers and book printers have thus far not recommended the use of such papers;

Whereas paper manufacturers have stated that a sufficient supply of acid free permanent papers would be produced if publishers would specify the use of such papers; and

Whereas there is currently no statistical information from public or private sources regarding the present volume of production of acid free permanent papers and the volume of production required to meet an increased demand: Now, therefore, be it

*Resolved*, That the resolution from the Senate (S.J. Res. 57) entitled "Joint Resolution to establish a national policy on permanent papers", do pass with the following

*AMENDMENTS:*

Strike out all after the resolving clause, and insert:

*SECTION 1. It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers.*

*SEC. 2. The Congress of the United States urgently recommends that—*

*(1) Federal agencies require the use of acid free permanent papers for publications of enduring value produced by the Government Printing Office or produced by Federal grant or contract, using the specifications for such paper established by the Joint Committee on Printing;*

*(2) Federal agencies require the use of archival quality acid free papers for permanently valuable Federal records and confer with the National Archives and Records Administration on the requirements for paper quality;*

*(3) American publishers and State and local governments use acid free permanent papers for publications of enduring value, in voluntary compliance with the American National Standard;*

*(4) all publishers, private and governmental, prominently note the use of acid free permanent paper in books, advertisements, catalogs, and standard bibliographic listings; and*

*(5) the Secretary of State, Librarian of Congress, Archivist of the United States, and other Federal officials make known the national policy regarding acid free permanent papers to foreign governments and appropriate international agencies since the acid paper problem is worldwide and essential foreign materials being imported by our libraries are printed on acid papers.*

*SEC. 3. The Librarian of Congress, the Archivist of the United States, and the Public Printer shall jointly monitor the Federal Government's progress in implementing the national policy declared in section 1 regarding acid free permanent papers and shall report to the Congress regarding such progress on December 31, 1991, December 31, 1993, and December 31, 1995. In carrying out the monitoring and reporting functions under this section, the Librarian of Congress, the Archivist of the United States, and the Public Printer may consult with the National Endowment for the Humanities, National Agricultural Library, National Library of Medicine, other Federal and State agencies, international organizations, private publishers, paper manufacturers, and other organizations with an interest in preservation of books and historical papers.*

Amend the preamble so as to read:

*Whereas it is now widely recognized and scientifically demonstrated that the acidic papers commonly used for more than a century in documents, books, and other publications are self-destructing and will continue to self destruct;*

*Whereas Americans are facing the prospect of continuing to lose national, historical, scientific, and scholarly records, including government records, faster than salvage efforts can be mounted despite the dedicated efforts of many libraries, archives, and agencies, such as the Library of Congress and the National Archives and Records Administration;*

*Whereas nationwide hundreds of millions of dollars will have to be spent by the Federal, State, and local governments and private institutions to salvage the most essential books and other materials in the libraries and archives of government, academic, and private institutions;*

*Whereas paper manufacturers can produce a sufficient supply of acid free permanent papers with a life of several hundred years, at prices competitive with acid papers, if publishers would specify the use of such papers, and some publishers and many university presses are already publishing on acid free permanent papers;*

*Whereas most Government agencies do not require the use of acid free permanent papers for appropriate Federal records and publications;*

*Whereas librarians, publishers, and other professional groups have urged the use of acid free permanent papers;*

*Whereas even when books are printed on acid free permanent paper this fact is often not made known to libraries by notations in the book or by notations in standard bibliographic listings; and*

*Whereas there is an urgent need to prevent the continuance of the acid paper problem in the future: Now, therefore, be it*

Attest:

Clerk.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from West Virginia [Mr. WISE] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 226 establishes a national policy on the use of acid free permanent paper for the publication of important books and records. The resolution is a response to the deterioration of books printed on paper with high acid content.

Books can have useful lives for hundreds of years. But books printed on acidic paper can become unusable in 50 to 100 years. The use of acidic paper became commonplace during the last century. Since most books have been printed on acidic paper, Federal, State, local and private libraries are spending millions of dollars to preserve them.

There is a simple and very cost effective way to prevent these problems in

the future. By printing books on acid free permanent paper, we can avoid the need for heroic and expensive measures to save documents.

That is the purpose of House Joint Resolution 226. The resolution establishes a formal policy that Federal records, books, and publications of enduring value be produced on acid free permanent papers. This is a no-cost solution because acid free paper is now widely available at the same price as acidic paper.

Let me offer an example of the consequences and expense of preserving materials printed on acidic paper. The Archivist of the United States has testified that Federal papers from the World War II period were printed on acidic paper. As the 50th anniversary of the war approaches, these papers are now becoming fragile and difficult to use. The cost of transferring the records to a more stable medium would exceed $71 million.

We can avoid future expenditures for preservation if Federal agencies use acid free paper today. That is the policy behind House Joint Resolution 226.

The substitute adopted by the Committee on Government Operations without dissent is similar to the original resolution. The preamble has been reworded and the reporting requirement has been revised so that reports will be filed every other year until 1995. I believe that all of the changes will be acceptable to the principal sponsor of a similar resolution in the other body.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 226 as amended. I would like to commend Chairman WISE and the resolution's sponsor, the gentleman from Montana [Mr. WILLIAMS], for their work in crafting this legislation.

House Joint Resolution 226 is a joint resolution which declares it the policy of the United States that all Federal records, books and publications of enduring value should be printed on acid-free permanent papers. As amended, the measure also recommends that American publishers as well as State and local governments voluntarily use acid-free papers for significant publications. It recommends that the Secretary of State make foreign governments aware of the U.S. preference for acid-free papers on documents of lasting significance. And finally, it asks the Librarian of Congress to report to the Congress on the act's progress in the years 1991, 1993 and 1995.

House Joint Resolution 226 is purely a policy statement, and contains no enforcement provisions. It is a companion bill to Senate Joint Resolution 57, which passed the Senate by voice vote in July of last year.

The need for this legislation is simple. Most of the paper we use today has been processed from wood pulp and contains a highly acidic residue. This acid causes a rapid breakdown of the paper's structure and can limit document life to 50 to 75 years. Documents printed on non-acidic papers can easily last three to five times longer.

Because recent changes in U.S. environmental laws have encouraged industry to explore new paper processing techniques, in many cases it is now more cost effective for paper processors to produce non-acidic papers than it is for them to remove acid residues from waste water. Hence, non-acidic paper production is up, and the United States is now producing more than enough alkaline paper to meet the goals established in House Joint Resolution 226.

Clearly, both the need for House Joint Resolution 226 and the means for fulfilling it exist. Today's resolution simply states our belief that given the ability, we as a Nation should seek to preserve our country's literary treasures. It is a worthy goal, and I urge the measure's passage.

Mr. WILLIAMS. Mr. Speaker, I am delighted that the House today is acting to approve House Joint Resolution 226, "Establishing a National Policy on Permanent Papers," which I had the honor to introduce on March 23, 1989. I want to thank my numerous cosponsors, the Committee on Government Operations which reported the measure favorably, the Committee on House Administration for waiving joint jurisdiction, and the numerous individuals and organizations from the library, archival, and publishing worlds that gave their support to this historic measure.

I am confident that the Senate, which has passed a similar measure (S.J. Res. 57), will accept the House language and thus avoid the need for a conference this late in the session.

This measure marks a turning point in preserving important printed work of our Nation. Section 1 states:

It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers." It also in Section 2 urgently recommends that: "American publishers and State and local governments use acid free permanent papers for publications of enduring value. * * *

The United States, as well as other countries, has been losing many of our basic historic, scientific, cultural and governmental records because the paper on which they were printed has deteriorated—or we have spent vast sums to preserve them by deacidification or microfilming. The root cause of the problem is the acidic process of producing printing and writing papers adopted in the mid-19th century which resulted in papers that self-destruct in a very few decades. The solution to the problem urged in the joint resolution is the substitution of alkaline papers which will last for several centuries and cost no more to produce.

The mere introduction of the joint resolutions in the House and Senate early last year attracted attention and sparked remedial action in this country and abroad among State, local, and foreign governments, and among paper producers and publishers of books and journals. The movement toward alkaline papers had already started in a small way when these resolutions were introduced little more than a year and a half ago, but there can be no doubt that they have greatly speeded up the process.

It can be fairly said that this measure will result in the preservation of priceless historic records which might otherwise be lost, and in the savings of many millions of dollars which otherwise would be spent in salvaging documents or papers or microfilming their contents.

Mr. McCANDLESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WISE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. WISE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 226, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1300

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations and the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 57) establishing a national policy on permament papers, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from West Virginia?

Mr. McCANDLESS. Mr. Speaker, reserving the right to object, I do so to yield to my colleague, the gentleman from West Virginia [Mr. WISE] to explain his request.

Mr. WISE. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, my purpose is simply to substitute the text and the preamble of the House joint resolution for the text and preamble of the Senate

joint resolution passed earlier by the Senate.

Mr. McCANDLESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 57

Whereas it is now widely recognized and scientifically demonstrated that the acidic papers commonly used in documents, books, and other publications for more than a century are self-destructing and will continue to self destruct;

Whereas Americans are facing the prospect of continuing to lose national historical, scientific and scholarly records, including government records, faster than salvage efforts can be mounted despite the dedicated efforts of many libraries, archives, and agencies, such as the Library of Congress and the National Archives and Records Administration;

Whereas the Congress has already appropriated $50,000,000 to the National Archives and Records Administration, $32,000,000 to the Library of Congress, and $2,400,000 to the National Library of Medicine for deacidifying or microfilming books too brittle for ordinary use, and $25,000,000 to the National Endowment for the Humanities for grants to libraries and archives for such purposes;

Whereas nationwide many hundreds of millions of dollars will have to be spent by the Federal, State, and local government and private institutions to salvage the most essential books and other materials in the libraries and archives of academic and private institutions;

Whereas there is an urgent need to prevent the continuance of the acid paper problem into the indefinite future;

Whereas acid free permanent papers with a life of several hundred years already are being produced at prices competitive with acid papers;

Whereas the American Library Association Council in a resolution dated January 13, 1988, has urged publishers to use acid free permanent papers in books and other publications of enduring use and value, and other professional organizations have expressed similar opinions;

Whereas some publishers such as the National Historical Publications and Records Commission, the Library of Congress and many university presses are already publishing on acid free permanent papers, and the Office of Technololgy Assessment has estimated that only 15 to 25 percent of the books currently being published in the United States are printed on such paper;

Whereas even when books are printed on acid free permanent paper this fact is often not made known to libraries by notations in the book or by notations in standard bibliographic listings;

Whereas most Government agencies do not require the use of acid free permanant papers for appropriate Federal records and publications, and associations representing commercial publishers and book printers have thus far not recommended the use of such papers;

Whereas paper manufacturers have stated that a sufficient supply of acid free permanent papers would be produced if publishers would specify the use of such papers; and

Whereas there is currently no statistical information from public or private sources regarding the present volume of production of acid free permanent papers and the volume of production required to meet an increased demand: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers.

SEC. 2. The Congress of the United States urgently recommends the following:

(1) Federal agencies require the use of acid free permanent papers for publications of enduring value produced by the Government Printing Office or produced by Federal grant or contract, using the specifications for such paper established by the Joint Committee on Printing.

(2) Federal agencies require the use of archival quality acid free papers for permanently valuable Federal records and confer with the National Archives and Records Administration on the requirements for paper quality.

(3) American publishers use acid free permanent papers for publications of enduring value, in voluntary compliance with the American National Standard, and note the use of such paper on books, in advertisements, in catalogs, and in standard bibliographic listings.

(4) Reliable statistics be produced by public or private institutions on the present production of acid free permanent papers and the volume of production required to meet the national policy declared in section 1.

(5) The Secretary of State make known the national policy regarding acid free permanent papers to foreign governments and appropriate international agencies since the acid paper problem is worldwide and essential foreign materials being imported by our libraries are printed on acid papers.

SEC. 3. The Librarian of Congress, the Archivist of the United States, the Director of the National Library of Medicine, and the Administrator of the National Library of Agriculture shall jointly monitor the Nation's progress in implementing the national policy declared in section 1 regarding acid free permanent papers and report annually to the Congress regarding such progress by January 1, 1991, and each succeeding year thereafter.

MOTION OFFERED BY MR. WISE

Mr. WISE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WISE moves to strike all after the resolving clause of Senate Joint Resolution 57 and to insert in lieu thereof the provisions of House Joint Resolution 226, as passed by the House.

The motion was agreed to.

MOTION OFFERED BY MR. WISE

Mr. WISE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WISE moves to strike the preamble of Senate Joint Resolution 57 and to insert in lieu thereof the preamble of House Joint Resolution 226, as passed by the House.

The motion was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 226) was laid on the table.

## GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Joint Resolution 226 and Senate Joint Resolution 57, the joint resolutions just passed, and to include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## CHATTAHOOCHEE NATIONAL FOREST FACILITIES

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2419) to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the national forest, as amended.

The Clerk read as follows:

H.R. 2419

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AUTHORITY OF SECRETARY OF AGRICULTURE TO EXCHANGE FOREST SERVICE PROPERTY FOR CONSTRUCTION OF FOREST SERVICE FACILITIES.

Subject to the provisions of this Act, the Secretary of Agriculture (in this Act referred to as the "Secretary") may convey any of the right, title, and interest of the United States in and to any of the property described in section 3(1) in exchange for the construction of the facilities described in section 3(2) or the conveyance to the Secretary of real property and construction of such facilities, as the Secretary determines appropriate.

SEC. 2. LIMITATIONS ON EXCHANGE.

(a) EXCHANGE AGREEMENT.—In conducting any exchange under section 1, the Secretary shall enter into an agreement with a non-Federal party sufficient, in the determination of the Secretary, to assure that the non-Federal party will cause to be constructed for the Federal Service the facilities described in section 3(2).

(b) EXCHANGE FOR EQUAL VALUE.—In conducting any exchange under section 1, the Secretary shall assure that the value of the property received by the Secretary is equal to the value of the property conveyed by the Secretary, as determined by the Secretary, or if they are not equal, that values are equalized by the payment of money to the non-Federal party or to the Secretary, as follows:

(1) LIMIT ON AMOUNT OF PAYMENT.—The amount of the payment may not exceed 25 percent of the total value of any property conveyed by the Secretary in the exchange. The Secretary shall, to the extent possible, minimize the amount of the payment of money involved in the exchange.

(2) DETERMINATION OF VALUE OF FACILITIES CONSTRUCTED.—The value of the facilities

constructed for the Forest Service under the exchange shall be equal to the actual costs of construction of such facilities, as determined by the Secretary to be fair and reasonable, in accordance with the specifications contained in the document referred to in section 3(2).

SEC. 3. DESCRIPTION OF PROPERTIES.

The properties referred to in this Act shall consist of the following:

(1) PROPERTY CONVEYED BY SECRETARY.—The properties conveyed by the Secretary may consist of any lands of the Forest Service within the State of Georgia that were acquired solely for administrative purposes, together with any improvements located on the lands, described in the document entitled "Chattahoochee National Forest Land Exchange—Description of Properties Conveyed", which shall be on file and available for public inspection in the Office of the Chief of the United States Forest Service of the Department of Agriculture, Washington, District of Columbia.

(2) FACILITIES CONSTRUCTED FOR FOREST SERVICE.—The facilities constructed for the National Forest Service shall consist of the facilities the location and specifications of which are described in the document entitled "Prospectus, Blairsville Ranger District Office and Facilities, Brasstown Ranger District, Chattahoochee National Forest", which shall be on file and available for public inspection in the Office of the Chief of the United States Forest Service of the Department of Agriculture, Washington, District of Columbia.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2419, as amended, and move its consideration by the House.

Mr. Speaker, H.R. 2419, as amended, would authorize the Secretary of Agriculture to convey any of the right, title, and interest of the United States in certain administrative sites in the State of Georgia in exchange for the construction of a Forest Service ranger district office and visitor information center.

This bill would provide for the construction of a badly needed ranger station for the Brasstown Ranger District of the Chattahoochee National Forest, in lieu of the rental properties the Forest Service now occupies. In exchange for this facility, the Forest Service would be able to dispose of a number of administrative sites that are no longer of use and value to the government.

The Secretary, in consumating this exchange, is required to assure that the value of the property received by the Secretary is equal to the value of the property conveyed, with provision for cash equalization payments if necessary. This provision is consistent with current policy regarding Forest Service exchange authorities.

Mr. Speaker, while the committee has expressed concern in the past over certain Forest Service proposals to exchange lands for facilities, I would note that since this exchange effects administrative sites rather than forested lands, we have no objection. However, the committee intends to continue to monitor such exchanges to ensure that National Forest System lands are not used as exchange material to supplement the agency's construction and land acquisition budget.

Mr. Speaker, I commend our colleague, Mr. JENKINS, for introducing H.R. 2419 and move its adoption by the House.

Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Georgia [Mr. JENKINS], who is the author of the legislation.

Mr. JENKINS. Mr. Speaker, I thank the gentleman for yielding time to me, and I would like to thank the distinguished chairman of the committee, Mr. DE LA GARZA and the subcommittee chairman, the distinguished gentleman from Missouri, for their outstanding work on this bill.

Mr. Speaker, this measure will provide a much-needed permanent district office in the Brasstown Ranger District, which I represent. Since the early 1950's, the ranger office has been located in various rental properties in the town of Blairsville. The Forest Service needs a visible and accessible permanent ranger office to serve as an Information Station and Visitor Center for the three hundred thousand annual visitors seeking recreational opportunities in this section of the Chattahoochee National Forest. Additionally, a permanent ranger office would be designed to meet the additional space requirements of the district range staff, who are responsible for managing and protecting the more than 108,000 acres.

The Forest Service already owns a tract of land which is ideal for this new ranger office. The tract is located near Blairsville on the recently completed Appalachian Highway, Georgia 5, which is the major access route from the population center of metropolitan Atlanta into this portion of the Chattahoochee National Forest. The location of a new office adjacent to this major highway would make the Forest Service more visible and accessible to the public and meet the need for additional space.

Six improved lots and two vacant lots will be traded for the construction of the new ranger office. These tracts were acquired in the 1950's and 1960's to serve as rental accommodations for Forest Service personnel who were frequently transferred. Today, these employees generally buy their own homes, and these rental properties are no longer needed.

These properties will be exchanged on a value-for-value basis for a new district ranger office. In essence, this measure would mke it possible to develop a much needed new ranger office facility while disposing of federally owned residential property, incurring no cost to the Federal Government. A prospectus prepared for the United States Forest Service shows the exchange to be economically feasible.

Mr. Speaker, this bill is supported by the local Forest Service, who asked me to introduce the measure, by the chairman of the Union County Commission where the new ranger office will be located, and by the Office of Management and Budget which has responsibility for the disposition of surplus property.

I again wish to express my thanks to chairman DE LA GARZA and chairman VOLKMER for their support and urge members to support it.

Mr. DE LA GARZA. Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, [Mr. MORRISON].

Mr. MORRISON of Washington. I thank the gentleman for yielding.

Mr. Speaker, I will use only a few seconds just to say that this measure has been worked out locally, and I commend the gentleman who has just spoken to us because of his leadership in this area.

The measure was heard by our subcommittee for passage. It is appropriate that this measure be brought to the floor and passed.

Mr. RHODES. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2419, as amended.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CRANBERRY WILDERNESS BOUNDARY

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1576) to modify the boundary of the Cranberry Wilderness, located in

the Monogahela National Forest, WV, as amended.

The Clerk read as follows:

H.R. 1576

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. BOUNDARY MODIFICATION.

The boundary of the Cranberry Wilderness located within the Monogahela National Forest, West Virginia, is modified as depicted on a map entitled "Cranberry Wilderness Area Revised" dated October 1987, on file in the Office of the Chief, Forest Service, United States Department of Agriculture, Washington, District of Columbia.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield 10 minutes of the time on behalf of the Committee on Interior and Insular Affairs to the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota [Mr. VENTO] will be recognized for 10 minutes, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1576, sponsored by my colleague from West Virginia, Mr. STAGGERS, would modify the boundary of the Cranberry Wilderness in West Virginia to allow the construction of an acid neutralization station on the north fork of the Cranberry River. Approximately 5 acres would be taken out of the wilderness for the station. The station would facilitate the restoration of a trout fishery in the Cranberry River.

The bill would add 5 acres of land to the Cranberry Wilderness to replace the acreage taken out. It also would require that the acid neutralization station be constructed in such a way as to minimize its impact on the wilderness and to conform to the landscape.

Furthermore, the bill would give study river protections to those portions of the north fork of the Cherry River, the Gauley River and the Cranberry River that flow within the Monongahela National Forest. This corrects an oversight in the West Virginia River Act of 1988. One hundred miles of river would receive interim protection.

These provisions were added by an amendment of Congressman RAHALL during Interior Committee action.

The bill has bipartisan support and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield 10 minutes of my time to the gentleman from Washington [Mr. MORRISON], on behalf of the Committee on Agriculture.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona [Mr. RHODES] will be recognized for 10 minutes, and the gentleman from Washington [Mr. MORRISON] will be recognized for 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1576 introduced by Mr. STAGGERS of West Virginia and ably shepherded through the Interior Committee by Mr. RAHALL.

This legislation proposes a minor boundary adjustment to West Virginia's Cranberry Wilderness on the Monongahela National Forest to allow construction of a fish enhancement project on a site currently within the existing wilderness boundary.

In exchange for the 5 acres taken out of the wilderness boundary for the fish enhancement project, an equal acreage of national forest acreage outside the current wilderness boundary will be added to the Cranberry Wilderness. This will result in a no net loss of wilderness.

H.R. 1576 also corrects an oversight in the West Virginia wild rivers bill from the last Congress by giving river study protection to segments of the Cranberry, Gauley and north Cherry Rivers within the Monongahela National Forest. This provision essentially prevents development of these rivers for 3 years when the Forest Service will have completed its study of these river segments for their suitability as potential additions to the wild and scenic rivers system.

I urge my colleagues to support H.R. 1576.

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1576, as amended, and urge its adoption by the House.

H.R. 1576, introduced by our colleague Mr. STAGGERS, would modify the boundary of the Cranberry Wilderness located in the Monogahela National Forest in West Virginia. The bill was introduced on March 22, 1989, and jointly referred to the Committee on Agriculture and the Committee on Interior and Insulars Affairs.

Mr. Speaker, H.R. 1576 was amended by the Committee on Agriculture to permit the deletion of a tract of 5 acres from the existing wilderness area and to offset this by the addition of another 5-acre tract elsewhere in the wilderness. This adjustment will allow the State of West Virginia to construct a facility to treat the Cranberry River to reduce its acidity and thus promote a year-round trout population in the river.

The bill also provides interim wild and scenic river protection for parts of the Cranberry, Gauley, and North Fork of the Cherry River, through their designation for study in accordance with the Wild and Scenic Rivers Act.

Mr. Speaker, I urge our House colleagues to support H.R. 1576, as amended.

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Mr. Speaker, I yield back the balance of my time.

Mr. MORRISON of Washington, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, anytime we discuss the subject of removing land from a wilderness area, we immediately attract a lot of attention. In this particular case, though, as the Members will notice, with the two committees working together to see that this is accomplished, the rough edges have been taken off. The gentleman from West Virginia [Mr. STAGGERS] has done an excellent job. This is appropriate for the sake of preserving this particular area.

So we do send this to the full House with the recommendation that Members support the gentleman from West Virginia [Mr. STAGGERS] in this effort to modify the boundaries of the Cranberry Wilderness Area.

Mr. RAHALL. Mr. Speaker, the purpose of H.R. 1576 is to modify the boundary of the Cranberry Wilderness Area in order to accommodate the West Virginia Division of Natural Resources' proposed acid neutralization treatment station on the north fork of the Cranber-

ry River in an effort to restore the river's fishery.

When Congress passed legislation to designate the Cranberry Wilderness Area in 1982, it appears we unintentionally precluded the construction of this project. In fact, the West Virginia Department of Natural Resources began drawing up plans for the facility during the late 1970's because, as it noted back then, the Cranberry, one of the finest trout fishing streams in the State, was becoming so acidic that trout could only survive for a few months each year.

This pending legislation, introduced by my colleague from West Virginia, HARLEY STAGGERS, was reported by the Interior Committee with an amendment in the nature of a substitute that I offered during consideration of the bill by the Subcommittee on National Parks and Public Lands. It is my understanding that the Agriculture Committee subsequently reported identical bill language.

The bill before us today incorporates the agreement that has been reached between the West Virginia Division of Natural Resources, interested parties from the environmental community, Representative STAGGERS and myself on the scope of the Cranberry Wilderness boundary modification and the type of project that may be built. Under the pending legislation, 4.85 acres of land in the vicinity of the confluence of the north fork and the main stem of the Cranberry River would be withdrawn from wilderness in order to support the construction of the acid neutralization project. However, this same amount of acreage would be added to the wilderness area's southern boundary. As such, there will be no net loss of designated wilderness area.

It should be noted that the bill would also impose a number of protective stipulations on the project so as to ensure that it is compatible with the surrounding environment. For example, we are envisioning a project that would be built primarily of wood so that it will blend into the immediate surroundings. Further, this legislation was considered with our understanding that the environmental asessment and decision notice will be modified to provide measures for the mitigation of noise, vehicle traffic, and visual impacts of the project. Finally, it is also our understanding that a permit for this project would have to be issued by the State Water Resources Division as the Cranberry and its headwaters are protected under the West Virginia Natural Streams Preservation System.

One aspect of the pending legislation initiated by this gentleman from West Virginia is its provision to extend the protections afforded to study rivers under the Wild and Scenic Rivers Act to the following river segments located within the exterior boundaries of the Monongahela National Forest. The 33-mile segment of the Cranberry River from its headwaters to its confluence with the Gauley; the 52-mile segment of the Gauley River from its headwater to its confluence with the Cherry; and, the entire 15.6 miles of the north fork of the Cherry River. These protections would be in place until December 31, 1993. However, it must be stressed that the legislation clearly states that the protections afforded to study rivers shall not prohibit the construction, maintenance and use of the proposed acid neutralization treatment station on the north fork of the Cranberry River.

The 33-mile segment of the Cranberry River from its source on the south fork downstream to its confluence with the Gauley River has already been determined to be eligible under the National Wild and Scenic Rivers System under a study conducted pursuant to section 5(a)(74) of the Wild and Scenic Rivers Act. The segment of the Gauley River that lies within the exterior boundaries of the Monongahela National Forest was also part of this study and a portion of the segment was found to be eligible as well. In part, the legislation simply serves to reapply the 3-year study river protections—which expired in 1988—afforded under the Wild and Scenic Rivers Act to these segments.

It should be noted that a coalition of organizations—including Trout Unlimited, the Sierra Club, and American Rivers—has recommended that the Forest Service conduct suitability studies on 12 segments involving about 260 miles of river within the Monongahela National Forest. I not only endorse this proposal but it is my intention, at the appropriate time, to pursue wild and scenic river designations within the forest. The study river protections provided by H.R. 1576 for the Cranberry, north fork of the Cherry and the Gauley should serve as a clear signal of this intention.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 1576, to modify the boundary of the Cranberry Wilderness, allowing for the construction of an acid neutralization station on the north fork of the Cranberry River.

We treasure our natural resources in West Virginia, and the Cranberry Wilderness area is one of our proudest. The legislation that I offer for your consideration today is intended to make sure that it stays that way.

The Cranberry River used to be one of the finest trout streams in West Virginia. However, the river has become more and more acidic in recent years, to the point where trout can live only a few months of the year. Because the segment of the river where the acid neutralization station needs to be built falls within the Cranberry Wilderness Area, it is necessary to modify the boundary to prevent violation of the Wilderness Act.

While a wilderness area boundary modification is not something that we should ever take lightly, the cause at hand and the means of restoring the life of the river weigh heavily in favor of doing so. The use of crushed limestone as an acid neutralization process has proved very effective in other areas, and the stations are constructed so that they blend with the natural surroundings. And I believe the value of restoring the Cranberry River to its former status as one of our best trout streams is understood by everyone.

The bill removes 5 acres of land from the Cranberry Wilderness where the station needs to be built, and it adds 5 acres of national forest land to the Cranberry Wilderness, so there is no net loss to the wilderness area. And while I want to reiterate that the necessity of this boundary modification has been demonstrated to the satisfaction of every one involved, I want to state in the strongest possible terms that this is not intended to serve as a precedent for any future boundary modification. Our action today stands on its own merits.

I want to thank my colleagues on the Interior and Agriculture Committee for their help and cooperation in crafting this legislation, and I want to thank the West Virginia Department of Natural Resources and the West Virginia Sierra Club for their work in making this legislation a reality.

Mr. MORRISON of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1576, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## MAINE WILDERNESS ACT OF 1990

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2205) to designate certain lands in the State of Maine as wilderness.

The Clerk read as follows:

S. 2205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maine Wilderness Act of 1990".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), certain land in the White Mountain National Forest, in the State of Maine—

(1) which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Caribou-Speckled Mountain Wilderness—Proposed", dated January 1987; and

(2) which shall be known as the Caribou-Speckled Mountain Wilderness,

are hereby designated wilderness, and, therefore, as components of the National Wilderness Preservation System.

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition and Forestry of the United States Senate. The map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and description may be made by the Secretary. The map and description shall be on file and available for public inspection in the

Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, the wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the Maine section of the White Mountain National Forest and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Maine; such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Maine;

(2) with respect to the National Forest System lands in the State of Maine which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Maine reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Maine are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecing their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Maine for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISION.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revisions" shall not include an "amendment" to a plan.

(d) APPLICATION OF SECTION.—The provisions of this section shall also apply to National Forest System roadless lands in the State of Maine which are less than 5,000 acres in size.

SEC. 6. PROHIBITION ON BUFFER ZONES.

Congress does not intend that the designation of a wilderness area in the State of Maine lead to the creation of protective perimenters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 7. CONTROL OF FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the Wilderness Act, such measures may be taken within wilderness areas designated by this Act as may be necessary in the control of fire, insects and diseases, subject to applicable laws and such additional reasonable conditions as the Secretary deems desirable.

SEC. 8. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Maine with respect to wildlife and fish in the National forests in Maine.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I ask unanimous consent that I may be allowed to yield 10 minutes of my time to be controlled by the gentleman from Texas [Mr. de la GARZA], the chairman of the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2205, the Maine Wilderness Act, would designate 12,000 acres of the White Mountain National Forest as the Caribou Speckled Mountain Wilderness. Currently, the State of Main has only one designated wilderness area, the 7,000-acre Moosehorn Wilderness in the Moosehorn National Wildlife Refuge. The Caribou-Speckled Mountain Wilderness would include Rocky Peaks with panoramic views of surrounding valleys, waterfalls, and many species of wildlife, including ruffed grouse, snowshoe hare, white-tailed deer, black bear, and moose. Brook trout are found in the lower reaches of many streams. This is a bipartisan bill, supported by all Members of Maine's congressional delegation and the administration.

I urge my colleagues to support this bill.

Mr. RHODES. Mr. Speaker, I ask unanimous consent that I may be allowed to yield 10 minutes of my time to be controlled by the gentleman from Washington [Mr. MORRISON] on behalf of the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will designate 12,000 acres of forest in the White Mountain National Forest as the National Wilderness Preservation System. The proposed wilderness area will include Caribou and Speckled Mountains.

In response to concerns from forest product users and environmentalists, the Forest Service, the Maine delegation, and an ad hoc committee developed H.R. 4145 as a compromise proposal. Selective timber harvesting would be permitted in the remaining 4,000 acres of the White Mountain National Forest where such harvesting is currently prohibited.

The ad hoc committee members consisted of representatives of the wood products industry, environmental groups, multiple use proponents, and State and local officials.

The entire Maine congressional delegation supports this legislation and a companion bill, S. 2205, which was introduced by Senator MITCHELL and cosponsored by Senator COHEN.

This bill stands as a tribute of leadership to the gentlewoman OLYMPIA SNOWE from Maine.

Mr. Speaker, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2205, the Maine Wilderness Act of 1990, and urge its adoption by the House.

S. 2205, which was introduced by the distinguished majority leader of the Senate, Mr. MITCHELL, would designate approximately 12,000 acres of land in the White Mountain National Forest in the State of Maine for inclusion in the National Wilderness Preservation System. The area, which is to be designated as the Caribou-Speckled Mountain Wilderness, is consistent with the recommendations of the U.S. Forest Service and the administration, which supports this bill.

The lands to be included in this wilderness area are diverse and unique both in their topographical and biological features. In addition, the area offers outstanding opportunities for solitude and wild recreational experiences. As such, this area is appropriate for wilderness, which will assure its protection for the benefit of future generations.

I should also note, Mr. Speaker, that S. 2205 includes the standard sufficiency and release language that has been associated with wilderness bills since 1984. This language will provide for the release and subsequent multiple use management of lands that are currently roadless and were subject to study for possible wilderness designation as a part of the Forest Service's land management planning efforts. Approximately 4,000 acres, not designated as wilderness by this bill, are affected.

Mr. Speaker, I want to commend my colleagues in the Senate, Mr. MITCHELL and Mr. COHEN, for their leadership in developing this legislation. They, along with their House colleagues, Ms. SNOWE and Mr. BRENNAN, have worked together to fashion a compromise that will benefit the residents of Maine and others who visit the White Mountain National Forest for many years to come.

I want also to commend the chairman of the Agriculture Subcommittee on Forests, Family Farms, and Energy, Mr. VOLKMER, and the chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, Mr. VENTO, for moving this legislation forward.

Mr. Speaker, I urge the House to support S. 2205.

Mr. Speaker, I yield back the balance of my time.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Agriculture Committee is pleased to join in the processing of this particular measure. We pay particular credit to the gentlewoman from Maine [Ms. SNOWE], who introduced the House version, but as indicated by other speakers, it is supported by the entire Maine delegation.

We add this 12,000 acres to the State of Maine in wilderness designation. They currently have a 7,000-acre wilderness designation, so this is a significant expansion for them. This meets all the criteria that both committees have established for this sort of designation.

So, Mr. Speaker, we congratulate the folks in the State of Maine, and I am pleased to support this measure adding this acreage to the wilderness area of the State of Maine.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would echo the sentiments of the gentleman from Washington [Mr. MORRISON] in paying tribute to this work of the gentlewoman from Maine [Ms. SNOWE] for crafting this compromise and bringing it before us here today. Unfortunately, she has been delayed on her return from Maine, but I know she would join us in requesting unanimous support for this measure in the House.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that the entire Maine delegation, led by the majority leader of the Senate and by the gentlewoman from Maine [Ms. SNOWE] and the gentleman from Maine [Mr. BRENNAN] on the House side, supported this effort, and we appreciate their good work in bringing this measure before us.

Mr. BRENNAN. Mr. Speaker, I rise today to express my full support for S. 2205, the Maine Wilderness Act of 1990, a bill which will protect forever 12,000 acres of pristine Maine forestland.

I would like to thank Chairman VENTO for his help and support, as well as all the members of the Interior and Agriculture Committees for their efforts in bringing this bill to the floor.

The Maine Wilderness Act is the product of years of deliberation and study.

It is the final result of an ongoing process that began in 1983, when I was Governor of Maine.

I am proud to be here today, and to join with my colleague Congresswoman SNOWE in urging you to support S. 2205.

Caribou-Speckled Mountain is part of the White Mountain National Forest, and is one of the last potential wilderness areas in the State of Maine.

The U.S. Forest Service recommended wilderness designation for the area in 1985.

The Maine congressional delegation then created an ad hoc committee, representing all concerned parties, including the forest products industry, environmental groups, and State and local government, to develop a consensus use plan for the region.

The ad hoc committee recommended a wilderness designation, and a public hearing on the committee's decision was held in Bethel, ME, in 1988.

This legislation demonstrates Maine's commitment to protecting its valued timber resources.

While the bill sets aside 12,000 acres for wilderness, to be untouched by the hand of man, 4,000 adjoining acres will be released for mixed uses, including some logging.

This compromise, fully supported by both industry and environmental advocates, as well as all four Members of the Maine congressional delegation, promises both environmental protection, and continuing access to public timber.

Caribou-Speckled Mountain is one of the most scenic areas in the State of Maine—a State justifiably famous for its natural beauty, and scenic landscapes.

The Maine Wilderness Act will keep this pristine area untouched, so that future generations may truly appreciate the gift that is Maine's natural heritage.

I ask your support for this carefully drafted, conservation-minded bill.

Ms. SNOWE. Mr. Speaker, I am very happy to rise today in support of S. 2205, the Maine Wilderness Act of 1990. This legislation will designate 12,000 acres of pristine forest in the White Mountain National Forest as part of the National Wilderness Preservation System.

The proposed wilderness area will include Caribou and Speckled Mountains and is one of the most scenic and breathtaking locations in the State of Maine. I urge my colleagues to join me in support of final passage of S. 2205.

First, I would like to thank Subcommittee Chairman VENTO and ranking minority member MARLENEE as well as Committee Chairman UDALL and ranking minority member YOUNG. I also owe my appreciation to Subcommittee Chairman VOLKMER and ranking minority member MORRISON as well as Chairman DE LA GARZA and ranking minority member MADIGAN of the Agriculture Committee. Their leadership, and the assistance of the committee members and the committee staffs, was truly gratifying.

This legislation has the backing of the entire Maine delegation. We did not arrive at this introduction lightly. Several years of thorough review and study by the people of Maine, as well as the U.S. Forest Service, preceded this legislation.

Currently, there are no federally designated national forest wilderness areas in Maine—notwithstanding the fact that over 90 percent of the State is forested. Only Baxter State Park and the Moosehorn National Wildlife Refuge have preserved large tracts of land in a natural state. Forty-five thousand acres of the White Mountain National Forest are located in Maine and the 16,000 acres in the Caribou-Speckled Mountain area represent the only Federal land currently eligible for wilderness designation.

Possible creation of a Caribou-Speckled Mountain wilderness area first surfaced in Congress back in 1983. At that time, portions of the White Mountain National Forest in Maine were included in a bill to create wilderness areas in the New Hampshire portion of

the forest. However, no hearings had been conducted on the Maine lands proposal.

Since there had been no opportunity to evaluate the impact of the proposal on our State, I asked that the Maine lands be removed from the New Hampshire bill so that an evaluation by the people most affected could proceed.

From that point, the Maine congressional delegation began a comprehensive review of the land, the needs and interests of Maine people, and the options that might exist. We asked the Forest Service to study the Caribou-Speckled area and provide a list of management options.

After a study, the Forest Service recommended that 12,000 of the 16,000 acre Caribou-Speckled Mountain area be designated as wilderness. The remaining 4,000 acres would be available for timber harvesting.

This Forest Service decision was based upon extensive review of the area's recreational and commercial values. Of particular note in the study was the increased demand for wilderness-related recreational experiences on public land. The Caribou-Speckled Mountain area is particularly popular with hikers and campers who visit the White Mountain National Forest in Maine. It represents one of the last, large undeveloped tracts in that area of Maine.

According to the Forest Service study, approximately 4,000 acres of the area is suitable for commercial timber harvesting. Most of the significant timber harvest areas will be released under H.R. 4145. The Forest Service concluded that "eliminating timber harvesting from the 12,000 acre area would have no discernible effect on local wood-using industries."

As part of our efforts to include the widest possible range of viewpoints, the congressional delegation appointed an ad hoc committee to study the Forest Service proposal. This committee was composed of representatives from environmental and conservation groups, landowners, lumber mill owners, and State and local officals.

On December 20, 1984, in its final of four meetings, the ad hoc committee endorsed, by a 9-to-2 vote, a compromise proposal that would designate 12,000 acres as permanent wilderness. Selective timber harvesting would be permitted in the remaining 4,000 acres of the White Mountain National Forest where such harvesting is currently prohibited.

On November 14, 1987, the Maine delegation held an open hearing in Bethel, ME, on the 12,000 acre wilderness proposal. During this hearing, concerned citizens were able to express their views and have their questions answered regarding the wilderness proposal. Every effort has been made to address the concerns raised during, and subsequent to, the hearing. This wilderness legislation represents an optimal compromise of these interested parties.

It is important to stress the fact that the Forest Service has held 16,000 acres of the White Mountain National Forest under a de facto wilderness status. There have been no timber sales in this area in over 20 years and the majority of the Caribou-Speckled Mountain area has not been cut in over 50 years. Enactment of S. 2205 would actually release 4,000 acres of timber for harvesting that is currently prohibited under existing management procedures.

In S. 2205 we have attempted, and I believe succeeded in, accommodating local concerns. In fact, the Maine delegation has made every effort to balance the needs of the wood product industry and multiple use proponents with the environmental concerns that some land be protected for future enjoyment.

Mr. Speaker, I am proud of Maine's reputation as a leader in protecting its precious environment. The Maine Wilderness Act of 1990 reiterates our commitment to preserve portions of this environment for the enjoyment of future generations. I ask my colleagues to support the Maine Wilderness Act.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2205.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## EXPANDING BOUNDARIES OF SAN ANTONIO MISSIONS NATIONAL HISTORIC PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4811) to expand the boundaries of the San Antonio Missions National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. EXPANSION OF SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK.

(a) EXPANSION.—Section 201(a) of the act entitled "An Act to amend the Pennsylvania Avenue Development Corporation Act of 1972; to provide for the establishment of the San Antonio National Historical Park; and other purposes" (16 U.S.C. 410ee(a)) is amended by inserting after the first sentence the following: "The park shall also consist of the lands and interests therein within the area bounded by the line depicted as 'Proposed Boundary Extension' on the maps entitled 'San Antonio Missions National Historical Park', numbered 472-80,075, 472-80,076, 472-80,077, 472-80,078, 472-80,079, 472-80,080, and 472-80,081 and dated June 7, 1990, which shall be on file and available for public inspection in the same manner as is such drawing.".

(b) DEVELOPMENT OF ESSENTIAL PUBLIC FACILITIES.—Section 201(f)(2) of such act is amended by striking "not more than $500,000." and inserting "not more than $15,000,000.".

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 2 years we will celebrate the 500th anniversary of Columbus' landing in the new world. Part of that celebration is the increased recognition of our Hispanic Heritage. Part of that heritage is found in the San Antonio Missions, four missions once on the Texas frontier and now located in the center of San Antonio.

H.R. 4811, introduced by our colleague ALBERT BUSTAMANTE, expands the boundaries of the San Antonio Missions National Historical Park. This park preserves and interprets those four missions. H.R. 4811 also makes various adjustments in the boundary so that a visitor center can be constructed in time for the quincentennial in 1992. This legislation comes after a decade of the park's existence, and will provide greater protection for the park's resources.

The committee adopted an amendment that changes the dates of the map references and changes to authorization for the development ceiling to "not to exceed $15,000,000." The development ceiling is based on the park's development program and construction of a visitor center in time for the quincentennial.

Mr. Speaker, I endorse H.R. 4811 and urge its passage.

□ 1320

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume. I rise in support of this legislation to expand San Antonio Missions National Historical Park. This measure is based on a boundary study recently completed by the National Park Service and is supported by the administration.

The bill would add lands which include resources integral to the purposes for which the area was established. For example, the bill would include the San Juan Labores fields which were recently discovered during

archeological investigations. Also to be added are lands which would facilitate management of the area by consolidating park boundaries. These types of boundary changes can be clearly justified.

At the same time, the bill provides for the National Park Service to acquire every single linear foot of known irrigation ditches which are associated with these missions and the ruins of a ranch 25 miles from the park which is already protected in State ownership. Acquisitions such as these are questionable. Overall, the bill provides for a 300-percent increase in the amount of park land owned in fee simple by the Federal Government. Additionally, the bill provides a 30-fold increase in the park development ceiling.

This bill reflects a fundamental change in the management of this area from one where the Federal Government manages the area in partnership with other levels of government, to one in which the Federal Government assumes the lead in both management and fiscal obligations. The wisdom of this course of action in a time of shrinking Federal dollars is questionable.

Due to the important resource values of certain lands to be acquired I will support this bill and encourage my colleagues to join me.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture and cosponsor of this legislation who represents part of the area in which this historical park is located.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding to me at this point.

Mr. Speaker, very briefly, I just wanted to mention that the distinguished chairman of the subcommittee mentioned that we will celebrate Hispanic Heritage Month between now, mid-September, and mid-October. What we are doing here is part of the heritage and culture and basic contribution of those that came initially from Spain, and then the settlers that came up through Mexico with eventually the mixing of the blood.

At one point in time when these missions were first established, as those of New Mexico and California, this was not a part of the United States of America, but basically it was either New Spain, or subsequently, Mexico.

Then, through an accident of history, north of the Rio Grande and extending to the Pacific, those lands became part of the United States of America. So I think it is indeed well that we incorporate into our national patrimony now some of that contribution of the original Spaniards and the mixture thereof that eventually became the Hispanic.

Mr. Speaker, this is adjacent to and a segment of it will be in my congressional district. I think it is very appropriate that especially at this point in time, during Hispanic Heritage Month, that this legislation be approved here in the House and that we look back to the contributions of all who make the mosaic of what the American people are all about. But as far as we are concerned, the contributions from all who have come to this country have been legend.

Mr. Speaker, I think the preservation of what they left us is very important. This is one of those areas that was left to us basically by the Hispanic mixture as it first came from the Spanish and then all of the mixtures thereof.

I thank the gentleman from Minnesota [Mr. VENTO] and commend him for working with the gentleman from Texas [Mr. BUSTAMANTE] and the rest of the Texas delegation to see that these lands enhance the territory where the missions are so that it may be part of our national heritage.

Mr. RHODES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I cannot overemphasize how invaluable the San Antonio Missions are as a part of our national historical and cultural heritage.

The San Antonio Missions are the most complete concentration of Spanish colonial structures in North America. They deserve to be preserved for all to enjoy.

For the legacy of the missions to continue, the national park containing them needs additional support.

The passage of H.R. 4811 will enable the park to protect additional archaeologically sensitive lands around the missions and develop the Park to its full tourist potential.

The San Antonio Missions National Historical Park is the 10th most popular visitor attraction in the State of Texas. However, without additional money for restoration the Park is in danger. There are eight diverse and significant cultural treasures within the park: Missions San Jose, Conception, Espada, and San Juan; the Espada Dam; the Aqueduct; and the San Juan and Espada Acequias.

Over 550,000 tourists visit the Park each year. They have contributed over $250 million in tourist dollars to the economy of San Antonio in the last 5 years. But, most of these dollars have not been spent in the surrounding economically depressed area due to the lack of adequate tourist facilities.

With adequate funding the park could develop to its full potential and tourists would stay and spend their money in the mission district. The full developed tourism industry within the expanded park would provide the area with much needed employment opportunities.

Please join me in voting for H.R. 4811. "Put a mission in your life."

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to comment, it was indeed gratifying to have the support and voice of the gentleman from Texas [Mr. DE LA GARZA] added in recognition of this bill, not only as a sponsor, but as someone that shares hundreds of years of special heritage in his State and in America.

I do not know if Members of the House or the general public are aware of the distinguished role of the DE LA GARZA family in this Nation. When the noted novelist that wrote "Texas," Mr. Michener, was in the process of researching that acclaimed text, he actually interviewed our distinguished colleague, the gentleman from Texas [Mr. DE LA GARZA], for that purpose.

I think that Members ought to recognize we have represented in the House Members who themselves represent not just the State of Texas, very well and their constituencies, but also represent something very special in terms of our national heritage. Certainly the gentleman from Texas [Mr. DE LA GARZA] is a wonderful illustration of that fact. So I am very proud of his support and interest, and the endorsement of the San Antonio Mission National Park Service expansion proposal before the House.

Mr. BUSTAMANTE. Mr. Speaker, I would like to thank Chairman BRUCE VENTO and his staff of the Subcommittee on National Parks and Public Lands for the exemplary work they have done in bringing H.R. 4811 to the floor. Let me also express the gratitude of the city of San Antonio, the San Antonio River Authority, Bexar County, the Archdiocese of San Antonio, and Los Compadres of San Antonio Missions for the committee's fine work on this bill.

And let me thank my colleagues Chairman E (KIKA) DE LA GARZA and Congressman LAMAR SMITH for their support as original cosponsors of H.R. 4811. Their support has been invaluable in moving this legislation along.

Chairman BRUCE VENTO has guided this and many other bills like it carefully and quickly through the committee process. In so doing, he performs a great service to the country. Today, this body will help him in his mission to keep our National Park system strong by bringing some unprotected and valuable historic resources under the stewardship of the Federal Government.

H.R. 4811 is a simple, uncontroversial piece of legislation. As amended, the bill would do two things: First, expand the boundary of the San Antonio Missions National Historical Park to protect critical historic resources; and second, raise the legislative ceiling on development of the park from $500,000—set with the establishment of the park in 1978—to $15 million.

The first part of the bill results from a boundary study done by the National Park Service [NPS], with extensive local participation, to determine the extent of protection needed for the lands already within this complex park and also to determine how much additional land should appropriately be brought under the aegis of the National Park Service.

The NPS has received universal acclaim from the citizens of San Antonio, historic preservation groups, and all local authorities for its boundary study work. Their recommendations, embodied in H.R. 4811, should be adopted immediately.

The second part of the bill is needed for any substantial development to take place at the San Antonio Missions. To date, only $200,000 has been appropriated for development of essential public facilities at the park. The park has no visitors' center, and all public facilities there are woefully inadequate.

The private sector, the citizens of San Antonio, and all governmental entities in the area have been doing their part to protect, preserve, and promote the missions. It is now time for the Federal Government to do its part. We must raise the development ceiling on this park to the very reasonable level of $15 million, a sum which was worked out by the committee and the National Park Service. This should allow for all development needs of the Missions Parks for the forseeable future.

I thank the committee again for allowing me to submit these brief remarks. Finally, I strongly urge my colleagues in the House to support the fine work of the Committee on Interior and Insular Affairs, the National Park Service, and the concerned citizens of San Antonio. Vote aye on H.R. 4811.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4811, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## DESIGNATING SEGMENTS OF LOWER MERCED RIVER AS COMPONENT OF WILD AND SCENIC RIVERS SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4687) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 4687

*Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER.

Section 39(a)(62) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(62)) is amended—

(1) by striking "The main stem" and inserting in lieu thereof "(A) The main stem";

(2) by striking "paragraph" wherever it appears and inserting in lieu thereof "subparagraph"; and

(3) by adding the following at the end thereof:

"(B) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level), consisting of approximately 8 miles, as generally depicted on the map entitled 'Merced Wild and Scenic River', dated April 1990. The Secretary of the Interior shall administer the segment designated under this subparagraph as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of the Mountain King Mine to the point of maximum flood control storage of Lake McClure. With respect to the segment designated by this subparagraph, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource area, Bakersfield District, Bureau of Land Management. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.".

SEC. 2. STUDY OF THE NORTH FORK OF THE MERCED RIVER.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), is amended by adding the following new paragraph at the end thereof:

"( ) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River.".

SEC. 3. WITHDRAWAL FROM MINERAL ENTRY.

In the case of those segments on the main stem of the Merced River and on the South Fork Merced River which are designated as components of the wild and scenic river system pursuant to the Wild and Scenic Rivers Act and administered under that Act as recreational or scenic, all public lands within the authorized boundaries of such segments are withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws of the United States.

SEC. 4. SAXON CREEK PROJECT.

Nothing in the designation of the river segments referred to in section 1 of this Act as components of the National Wild and Scenic River Systems shall be construed to affect the authority of the Secretary of the Interior to permit the construction and operation of such pumping facilities and associated pipelines as identified in Bureau of Land Management right of way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the "Saxon Creek Project" to assure an adequate supply of water from the Merced River to Mariposa County, to the extent such construction and operation are consistent with the Wild and Scenic Rivers Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4687 was introduced by Representative CONDIT, along with our colleague from California, Representative LEHMAN. The legislation, as amended, would provide for national wild and scenic river designation of 8 miles of the lower Merced River in California and a study of 15 miles of the north fork of the Merced. The lower Merced segment would join with 71 miles of the Merced River designated by Congress in 1987.

The Merced River offers excellent fishing as well as abundant and varied wildlife resources. Winding a course through a scenic canyon, the Merced draws significant public use to partake of its beauty and enjoy its high recreational values.

Public Law 100-49 designated a total of 114 miles of the main stem and south fork of the Merced as components of the National Wild and Scenic Rivers System. That act also provided for a study of the 8 miles of the Merced addressed by H.R. 4687 so that future water options could be explored.

In testimony before the committee, the administration testified that the lower Merced met wild and scenic river criteria. We also heard from local officials and conservation groups as to the river's values and the support that exists for its designation. This broad-based support was the result of considerable effort by the Bureau of Land Management, Mariposa County, and interested members of the public to fashion an acceptable proposal for the protection of the Merced's resource values.

Mr. Speaker, the legislation before us reflects the particular management

actions needed to both preserve and utilize this river in a responsible manner. The designation of these 8 miles of the Merced River will make a fine addition to the National Wild and Scenic Rivers System, and I urge its adoption by the House.

Mr. Speaker, with that, I reserve the balance of my time.

□ 1330

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4687. This bill, which Mr. CONDIT and Mr. LEHMAN have brought before this body, represents an excellent example of cooperation among diverse interest groups. It is all to often that our subcommittee is forced to make a black or white choice between development and preservation. These choices are usually forced upon our committee because one party to a dispute adopts an all or nothing strategy, and succeeds in elevating the issue to a congressional forum.

Unfortunately, the committees of Congress are often not the best place to make such decisions. Rarely do the committees have the time necessary to devote a single topic, as in the case of the lower and merced river designation where local people have been working on the issue for about 5 years. And rarely do the committees of Congress have all the necessary information or the first hand resource knowledge, such as is the case here where local persons have intimate knowledge of the resource. In this particular case, a diverse group of local interests have come together and developed a solution which meets all of their needs and I commend the bill's sponsors for providing the opportunity for this locally based initiative to succeed. This measure is also significant in that it illustrates the flexibility inherent in the Wild and Scenic Rivers Act. This act was never intended by its authors to be an absolute preservation statute, but only designed to protect certain outstandingly remarkable resource values of certain river segments.

I recognize that on some issues of national importance or intense polarization, our subcommittee will have to step in. I hope that we in Congress can learn from this measure that micromanagement of Federal lands from capitol hill should be the avenue of last resort, not the place where the issue should be first heard.

I strongly urge my colleagues to join the administration and me in supporting this measure.

Mr. CONDIT. Mr. Speaker, today we are considering legislation, H.R. 4687, which would designate the lower 8 miles of the Merced River in California as a component of the National Wild and Scenic Rivers Act.

This body will recall that legislation was introduced in 1987 by my predecessor, Tony Coelho, which proposed to designate 79 miles of the main stem of the Merced River from its origins in Yosemite National Park to the Maxium control storage of Lake McClure as a component of the National Wild and Scenic Rivers System. That legislation included the 8 miles of the lower Merced under consideration today.

Because of concerns expressed by local officials and the community in Mariposa County, that this inclusion would interfere with a potential water source, the final bill enacted by Congress in 1987 designated 71 miles, and required the Bureau of Land Management to study the designation of the lower 8 miles. I am pleased that the BLM released its study earlier this year, in which it recommended the inclusion of the lower 8 miles, with the act.

This bill is supported by the Wilderness Society, the Sierra Club and the Friends of the River. I am pleased also that, by and large, the local community supports this measure—the Mariposa County Board of Supervisors and the Merced Canyon Committee. Through negotiations with the committee, this measure address several local concerns by including a provision which authorizes the Secretary of Interior to approve the county's Saxon Creek project. This project will insure an adequate supply of water for Mariposa County and would not adversely impact the river.

I would like to thank Mr. VENTO, chairman of the Subcommittee on National Parks and Public Lands, and his staff for working with the community in my district in order to ensure that the committee report contain language which clarifies several additional matters of concern. Specifically, the report contains language which specifies that this measure is not intended to impact existing mining claims nor the ability to Merced Irrigation District to administer its reservoir, Lake McClure, the point where the designation ends, during flood periods. The report also contains language providing that Congress has the option to revisit this designation in the event that a Yosemite Valley Railroad, which may run along a portion of the river's corridor, becomes feasible.

The Merced River is very special to my constituents, as well as to over the 1 million annual Yosemite National Park visitors. The river, also known as "Yosemite Valley's River," and its corridor are home for many rare birds and wildlife as well as many varieties of plants and flowers. This river also receives substantial recreational use, including rafting, hiking, camping, and picnicking. But the main reason I am sponsoring this legislation is to insure that this portion of the river is protected and preserved for our future generations. As we all know, there are few things of primitive natural beauty left here in our country. I believe this Congress should do all it can to protect them.

Again, I would like to thank my colleague, Mr. VENTO, for his assistance on this measure, and to commend him for his persistence in moving it through the legislative process. I would also like to thank Mr. LEHMAN of California, for his support of and commitment to this measure which is another step in preserving and protecting the Merced.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4687, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SMITH RIVER NATIONAL RECREATION AREA ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4309) to establish the Smith River National Recreation Area in the State of California, and for other purposes; as amended.

The Clerk read as follows:

H.R. 4309

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smith River National Recreation Area Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Smith River, undammed and free-flowing from its headwaters to the Pacific Ocean, represents one of the last wholly intact vestiges of an invaluable legacy of wild and scenic rivers;

(2) the Smith River watershed, from the diverse conifer forests of the Siskiyou Mountains and unique botanical communities of the North Fork serpentine to the ancient redwoods along the river's lower reaches, exhibits a richness of ecological diversity unusual in a basin of its size;

(3) the Smith River watershed's scenic beauty, renowned anadromous fisheries, exceptional water quality, and abundant wildlife combine with its ready accessibility to offer exceptional opportunities for a wide range of recreational activities, including wilderness, water sports, fishing, hunting, camping, and sightseeing;

(4) careful development and utilization at mutually compatible levels of recreation, fisheries, and timber resources on public lands will ensure the continuation of the Smith River watershed's historic role as a significant contributor to the region's local economy; and

(5) protection of the Smith River's unique values can be enhanced by a cooperative effort by Federal, State and local governments to coordinate land-use planning, management, and development of Federal and non-Federal lands throughout the watershed.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "excluded area" means one of the four areas specifically excluded from the recreation area, as generally depicted on the map referred to in section 4(b);

(2) the term "forest plan" means the land and resource management plan for the Six Rivers National Forest prepared pursuant to section 6 of the Forest and Rangeland

Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

(3) the term "recreation area" means the Smith River National Recreation Area established by section 4;

(4) the term "Secretary" means the Secretary of Agriculture; and

(5) the term "inner gorge" means the inherently unstable steep slope (65 percent gradient or more) immediately adjacent to the stream or river channel, extending from the channel or recent floodplain to the first significant break in slope (usually 15 percent or more).

SEC. 4. SMITH RIVER NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—For the purpose of ensuring the preservation, protection, enhancement, and interpretation for present and future generations of the Smith River watershed's outstanding wild and scenic rivers, ecological diversity, and recreation opportunities while providing for the wise use and sustained productivity of its natural resources, there is hereby established the Smith River National Recreation Area.

(b) BOUNDARIES.—(1) The recreation area shall consist of those lands within the area generally depicted on the map entitled "Proposed Smith River National Recreation Area" and dated July 1990. The map shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary may, by publication of availability of a revised map and after public comment, make corrections or minor changes to the boundary of the recreation area.

(2) The exterior boundary of the recreation area, as generally depicted on the map, shall encompass the recreation area and the four excluded areas.

(c) BOUNDARY MODIFICATION.—The boundaries of the Six Rivers National Forest are hereby modified as generally depicted on the map referred to in subsection (b). A map and legal description of the boundary of the Six Rivers National Forest as modified by this subsection shall be on file and available for public inspection in the Office of the Chief, Forest Service, and the Office of the Forest Supervisor of the Six Rivers National Forest.

(d) TRANSFER.—The federally owned lands within the recreation area administered by the Secretary of the Interior on the date of enactment of this Act, comprising approximately 20 acres, are hereby transferred to the jurisdiction of the Secretary of Agriculture and shall be managed in accordance with the laws applicable to the National Forest System and this Act.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes for which the recreation area was established. In administering the recreation area, the Secretary shall, consistent with the applicable area management emphasis provided under subsection (b), undertake the following:

(1) Provide for a broad range of recreation uses and provide recreational and interpretive services and facilities (including trails and campgrounds) for the public.

(2) Provide and maintain adequate public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, and fishing.

(3) Improve the anadromous fishery and water quality, including (but not limited to) stabilizing landslides, improving fish spawning and rearing habitat, and placing appropriate restrictions or limitations on soil disturbing activities.

(4) Permit the use of off-road vehicles only on designated routes.

(5) Provide for public health and safety and for the protection of the recreation area in the event of fire or infestation of insects or disease.

(6) Permit programmed and other timber harvest only in those management areas where timber harvest is specifically authorized by subsection (b). Timber management in these areas shall incorporate the use of strategies to reduce habitat fragmentation and employ silvicultural prescriptions designed to maintain or enhance biological diversity and wildlife habitats (such as retention of standing green trees, snags, and other coarse woody debris) by providing for a high level of structural and compositional diversity in managed stands.

(7) Prohibit timber harvest within streamside protection zones along those rivers and river segments specified in section 11 of this Act.

(8) Permit removal of trees in areas where timber harvest is not authorized only when necessary to maintain trails or existing roads, for human health and safety reasons, for the protection of the recreation area in the event of fire, for the development of recreation or other facilities, or to improve fish and wildlife habitat.

(9) Provide for the long-term viability and presence of Port-Orford-cedar and ensure its continued present economic and noneconomic uses through implementation of management strategies developed by the Forest Service.

(10) Protect, preserve, and increase old growth forest habitat in the recreation area.

(11) Provide for the restoration of landscapes damaged by past human activity consistent with the purposes of this Act.

(12) Develop a monitoring program to consistently gather water quality, air quality, wildlife, and fisheries data from representative Smith River subwaterbeds within each management area.

(13) Develop and implement a management plan to maintain, protect, and promote habitat for native resident trout species in the recreation area.

(14) Cooperate with other Federal, State, and local government agencies in coordinating planning efforts throughout the Smith River watershed.

(b) MANAGEMENT AREAS.—(1) The recreation area shall contain eight management areas, as generally depicted on the map referred to in section 4(b). The Secretary may, pursuant to section 4(b), make minor revisions or amendments to the boundaries of the management areas.

(2) The Secretary shall administer each management area within the recreation area in accordance with the following:

(A) The management emphasis for the North Fork management area shall be on back-country and whitewater recreation, while recognizing unique botanic communities, outstanding whitewater, and historic and scenic values.

(B) The management emphasis for the Upper Middle Fork management area shall be on providing and maintaining ecologic and biologic diversity. Timber harvest shall be permitted, consistent with subsection (a)(6), only in existing plantations.

(C) The management emphasis for the Middle Fork-Highway 199 management area shall be on maintaining wildlife values and providing for a full range of recreation uses, with particular emphasis on the scenic and recreation values associated with the Smith River, old growth redwoods, and California State Highway 199.

(D) The management emphasis for the Upper South Fork management area shall be on wild river and roadless back-country recreation.

(E) The management emphasis for the Lower South Fork management area shall be on maintaining and protecting natural scenic values in the river canyon while providing for traditional and compatible river sports, including white water rafting, angling, sightseeing, and developed and dispersed recreation. Timber harvests based on uneven-aged management with extended rotations shall be allowed where consistent with protection of the scenic values of the recreation area.

(F) The management emphasis for the Lower Hurdygurdy Creek management area shall be on maintenance of wildlife values while providing rustic family and group recreation facilities for fishing, swimming, hunting, and camping. Timber harvests based on uneven-aged management with extended rotations shall be allowed where consistent with protection of scenic and wildlife values.

(G) The management emphasis for the prescribed timber management area shall be on providing maximum sustainable yields of wood products consistent with subsection (a)(6).

(H) The management of the Siskiyou Wilderness management area shall be pursuant to the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.). The Gasquet-Orleans Road corridor between the eastern edge of section 36, T. 14 N., R. 3 E, and the corridor's eastern terminus in the middle of section 26, T. 14 N., R. 4 E. shall be added to the Siskiyou Wilderness.

(c) WILD AND SCENIC RIVERS.—The river segments designated as wild and scenic rivers by the amendments made by section 8(b) of this Act shall be administered in accordance with this Act and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). In case of conflict between the provisions of these Acts, the more restrictive provision shall apply.

SEC. 6. ACQUISITION AND DISPOSAL OF LANDS AND OTHER PROPERTY.

(a) ACQUISITION.—The Secretary is authorized to acquire by purchase, donation, exchange, or otherwise lands, waters, or interests therein (including scenic or other easements), and structures or other improvements thereon, within the boundaries of the recreation area as the Secretary determines appropriate for the purposes of this Act. In exercising this authority, the Secretary is directed to give prompt and careful consideration to any offer to sell, exchange, or otherwise dispose of such property made by an individual or organization. The Secretary shall not acquire any land or interest in land owned by the State of California or any of its political subdivisions within the recreation area except by donation or exchange. All lands acquired by the Secretary pursuant to this Act shall be subject to the laws and regulations pertaining to the National Forest System and this Act.

(b) TRANSFERS TO DEL NORTE COUNTY.—(1) Upon the adoption of a resolution by the Board of Supervisors of the County of Del Norte, California, accepting title to the lands described in paragraph (2) and subject to the County of Del Norte bearing the cost

of the survey of such lands, the Secretary shall transfer all right, title, and interest of the United States in and to the lands described in paragraph (2).

(2) The lands referred to in paragraph (1) are described as follows:

(A) Lands north of tract 37, T. 17 N., R. 3 E., H.M., containing 6 acres, more or less, and more particularly described as:

Commencing at the N.E. corner of tract 37, T. 17 N., R. 3 E., H.M.; thence, northerly on a line continuing the eastern boundary of said tract 37 to a point where it intersects the southern boundary of the easement for State highway conveyed to the State of California, Department of Transportation, on the 17th day of May 1977, and recorded on June 22, 1977 at book 206 of Official Records, page 256; thence, southwesterly along the southern boundary of said easement to the point where it intersects the northern boundary of said tract 37; thence, easterly along the northern boundary of said tract 37 to the point of beginning.

(B) Lands east of tract 37, T. 17 N., R. 3 E., H.M., containing 6 acres, more or less, and more particularly described as:

Commencing at a point on the eastern boundary of tract 37, T. 17 N., R. 3 E., H.M., lying 332 feet southerly of the N.E. corner of said tract 37; thence, due east to the high water line of the Middle Fork of the Smith River; thence, southwesterly along the high water line of the Middle Fork of the Smith River to its intersection with the northern boundary of tract 38, T. 17 N., R. 3 E.; thence, westerly along the northern boundary of said tract 38 to its intersection with said tract 37; thence, northerly along the eastern boundary of said tract 37 to the point of beginning.

(c) CONDITIONS OF TRANSFER.—Transfer of the lands and interests described in subsection (b)(2) of this section shall be subject to the condition that all right, title, and interest therein shall revert to the United States if the county of Del Norte, California, attempts to transfer any portion of such lands to any other entity or person or if Del Norte County permits any portion of such lands to be used for any purpose incompatible with the purposes of this Act. The Secretary shall include in any document of conveyance whereby such lands are transferred to the county of Del Norte appropriate provisions to implement this subsection.

(d) WITHDRAWAL.—Subject to valid existing rights, all public lands within the recreation area are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States. This subsection shall not affect the exchange authorities of the Secretary.

SEC. 7. FISH AND GAME.

Nothing in this Act shall be construed to affect the jurisdiction or responsibilities of the State of California with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping on any lands managed by the Secretary under this Act, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of protecting nongame species and their habitats, public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the fish and wildlife agency of the State of California.

SEC. 8. MINERALS.

(a) WITHDRAWAL.—Federal lands within the exterior boundary of the recreation area are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under the mineral leasing laws, including all laws pertaining to geothermal leasing.

(b) PATENTS.—Patents may not be issued under the mining laws of the United States after the date of enactment of this Act for locations and claims made before the date of enactment of this Act on Federal lands located within the exterior boundaries of the recreation area.

(c) ADMINISTRATION.—Except for extraction of common variety minerals such as stone, sand, and gravel for use in construction and maintenance of roads and other facilities within the recreation area and the excluded areas, all other mineral development on federally owned lands within the recreation area is prohibited.

SEC. 9. MANAGEMENT PLANNING.

The Secretary shall revise the document entitled "Smith River National Recreation Area Management Plan" dated February 1990 to conform to the provisions of this Act, and such revised plan shall guide management of the recreation area and shall be incorporated in its entirety into the forest plan for the Six Rivers National Forest. This incorporation shall not be deemed a revision or amendment to the forest plan for purposes of the section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The Secretary shall make such further revisions to the management plan as are necessary in order to include more specific development and use plans for the recreation areas. Such revisions shall be made no later than 5 years after the enactment of this Act. Such revisions and any other modifications of the management plan shall be made only through the processes of revisions or amendment of the forest plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, including appropriate consultation with State and local government officials and provisions for full public participation considering the views of all interested parties, organization, and individuals.

SEC. 10. WILD AND SCENIC RIVERS.

(a) PREVIOUS DESIGNATIONS.—Previous designations dated January 19, 1981, by the Secretary of the Interior (46 Fed. Reg. 7483-84) under section 2(a)(ii) of the Wild and Scenic Rivers Act (16 U.S.C. 1273) of rivers within the exterior boundary of the recreation area are superseded by this Act.

(b) DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by adding at the end thereof the following new paragraphs:

"( ) SMITH RIVER, CALIFORNIA.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers Nationally Forest boundary, including the following segments of the mainstream and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

"(A) The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the National Forest boundary, as a recreational river.

"(B) Rowdy Creek from the California-Oregon State line to the National Forest boundary, as a recreational river.

"( ) MIDDLE FORK SMITH RIVER, CALIFORNIA.—The segment of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

"(A) The segment from its headwaters about 3 miles south of Sanger Lake, as depicted on the 1956 USGS 15' Preston Peak topographic map, to the center of section 7, T. 17 N., R. 5 E., as a wild river.

"(B) The segment from the center of section 7, T. 17 N., R. 5 E., to the center of section 6, T. 17 N., R. 5 E., as a scenic river.

"(C) The segment from the center of section 6, T. 17 N., R. 5 E., to one-half mile upstream from its confluence with Knopki Creek, as a wild river.

"(D) The segment from one-half mile upstream of its confluence with Knopki Creek to its confluence with the South Fork Smith River, as a recreational river.

"(E) Myrtle Creek from its headwaters in section 9, T. 17 N., R. 1 E., as depicted on the 1952 USGS 15' Crescent City topographic map, to the middle of section 28, T., 17 N., R. 1 E., as scenic river.

"(F) Myrtle Creek from the middle of section 28, T. 17 N., R. 1 E., to its confluence with the Middle Fork Smith River, as a wild river.

"(G) Shelly Creek from its headwaters in section 1, T. 18 N., R. 3 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with Patrick Creek, as a recreational river.

"(H) Kelly Creek from its headwaters in section 32, T. 17 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the Middle Ford Smith River, as a scenic river.

"(I) Packsaddle Creek from its headwaters about 0.8 miles southwest of Broken Rib Mountain, as depicted on the 1956 USGS 15' Preston Peak topographic map, to its confluence with the Middle Fork Smith River, as a scenic river.

"(J) East Fork Patrick Creek from its headwaters in section 10, T. 18 N., R. 3 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the West Fork of Patrick Creek, as a recreational river.

"(K) West Fork Patrick Creek from its headwaters in section 18, T. 18 N., R. 3E., as depicted on the 1951 15' Gasquet topographic map to its confluence with the East Fork Patrick Creek, as a recreational river.

"(L) Little Jones Creek from its headwaters in section 34, T. 17 N., R. 3 E., as depicted on the 1951 USGS 15' Gasquet topographic map to its confluence with the Middle Fork Smith River, as a recreational river.

"(M) Griffin Creek from its headwaters about 0.2 miles southwest of Hazel View Summit, as depicted on the 1956 USGS 15' Preston Peak topographic map, to its confluence with the Middle Fork Smith River, as a recreational river.

"(N) Knopki Creek from its headwaters about 0.4 mile west of Sanger Peak, as depicted on the 1956 USGS 15' Preston Peak topographic map, to its confluence with the Middle Fork Smith River, as a recreational river.

"(O) Monkey Creek from its headwaters in the northeast quadrant of section 12, T. 18 N., R. 3 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the Middle Fork Smith River, as a recreational river.

"(P) Patrick Creek from the junction of East and West Forks of Patrick Creek to its confluence with Middle Fork Smith River, as a recreational river.

"(Q) Hardscrabble Creek from its headwaters in the northeast quarter of section 2, T. 17 N., R. 1 E., as depicted on the 1952 USGS 15' Crescent City topographic map, to its

confluence with the Middle Fork Smith River, as a recreational river.

"( ) NORTH FORK SMITH RIVER, CALIFORNIA.—The segment from the California-Oregon State line to its confluence with the Middle Fork Smith River, including the following segments of the mainstream and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

"(A) The segment from the California-Oregon State line to its confluence with an unnamed tributary in the northeast quarter of section 5, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, as a wild river.

"(B) The segment from its confluence with an unnamed tributary in the northeast quarter of section 5, T. 18 N., R. 2 E., to its southern-most intersection with the eastern section line of section 5, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, as a scenic river.

"(C) The segment from its southern-most intersection with the eastern section line of section 5, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with Stony Creek, as a wild river.

"(D) The segment from its confluence with Stony Creek to its confluence with the Middle Fork Smith River, as a recreational river.

"(E) Diamond Creek from California-Oregon State line to its confluence with Bear Creek, as a recreational river.

"(F) Diamond Creek from its confluence with Bear Creek to its confluence with the North Fork Smith River, as a scenic river.

"(G) Bear Creek from its headwaters in section 24, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with Diamond Creek, as a scenic river.

"(H) Still Creek from its headwaters in section 11, T. 18 N., R. 1 E., as depicted on the 1952 USGS 15' Crescent City topographic map, to its confluence with with the North Fork Smith River, as scenic river.

"(I) North Fork Diamond Creek from the California-Oregon State line to its confluence with Diamond Creek, as a recreational river.

"(J) High Plateau Creek from its headwaters in section 26, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with Diamond Creek, as a scenic river.

"(K) Stony Creek from its headwaters in section 25, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the North Fork Smith River, as a scenic river.

"(L) Peridotite Creek from its headwaters in section 34, T. 18 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the North Fork Smith River, as a wild river.

"( ) SISKIYOU FORK SMITH RIVER, CALIFORNIA.—The segment from its headwaters to its confluence with the Middle Fork Smith River, and the following tributaries, to be administered by the Secretary of Agriculture in the following classes:

"(A) The segment from its headwaters about 0.7 miles southeast of Broken Rib Mountain, as depicted on the 1956 USGS 15' Preston Peak Topographic map, to its confluence with the South Siskiyou Fork Smith River, as a wild river.

"(B) The segment from its confluence with South Siskiyou Fork Smith River to its confluence with the Middle Fork Smith River, as a recreational river.

"(C) South Sisikyou Fork Smith River from its headwaters about 0.6 miles southwest of Buck Lake, as depicted on the 1956 USGS 15' Preston Peak topographic map, to its confluence with the Siskiyou Fork Smith River, as a wild river.

"( ) SOUTH FORK SMITH RIVER, CALIFORNIA.—The segment from its headwaters to its confluence with the Middle Fork Smith River, and the following tributaries, to be administered by the Secretary of Agriculture in the following classes:

"(A) The segment from its headwaters about 0.5 miles southwest of Bear Mountain, as depicted on 1956 USGS 15' Preston Peak topographic map, to Blackhawk Bar, as a wild river.

"(B) The segment from Blackhawk Bar to its confluence with the Middle Fork Smith River, as a recreational river.

"(C) William Creek from its headwaters in section 31, T. 14 N., R. 4 E., as depicted on the 1952 USGS 15' Sip Mountain topographic map, to its confluence with Eight Mile Creek, as a wild river.

"(D) Eight Mile Creek from its headwaters in section 29, T. 14 N., R. 4 E., as depicted on the 1955 USGS 15' Dillon Mtn. topographic map, to its confluence with the South Fork Smith River, as a wild river.

"(E) Harrington Creek from its source to its confluence with the South Fork Smith River, as a wild river.

"(F) Prescott Fork of the Smith River from its headwaters about 0.5 miles southeast of Island Lake, as depicted on the 1955 USGS 15' Dillon Mtn. topographic map, to its confluence with the South Fork Smith River, as a wild river.

"(G) Quartz Creek from its headwaters in section 31, T. 16 N., R. 4 E., as depicted on the 1952 15' USGS Ship Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(H) Jones Creek from its headquarters in section 36, T. 16 N., R. 3 E., as depicted on the 1952 USGS 15' Ship Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(I) Hurdygurdy Creek from its headwaters about 0.4 miles southwest of Bear Basin Butte as depicted on the 1956 USGS 15' Preston Peak topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(J) Gordon Creek from its headwaters in section 18, T. 16 N., R. 3 E., as depicted on 1951 USGS 15' Gasquet topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(K) Coon Creek from the junction of its two headwaters tributaries in the southeast quadrant of section 31, T. 17 N., R. 3 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(L) Craigs Creek from its headwaters in section 36, T. 17 N., R. 2 E., as depicted on the 1951 USGS 15' Gasquet topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(M) Goose Creek from its headwaters in section 13, T. 13 N., R. 2 E., as depicted on the 1952 USGS 15' Shop Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(N) East Fork Goose Creek from its headwaters in section 18, T. 13 N., R. 3 E., as depicted on the 1952 USGS 15' Ship Mountain topographic map, to its confluence with Goose Creek, as a recreational river.

"(O) Buck Creek from its headwaters at Cedar Camp Spring, as depicted on the 1952 USGS 15' Ship Mountain topographic map, to the northest corner of section 8, T. 14 N., R. 3 E., as a scenic river.

"(P) Buck Creek from the northeast corner of section 8, T. 14 N., R. 3 E., to its confluence with the South Fork Smith River, as a wild river.

"(Q) Muzzleloador Creek from its headwaters in section 2, T. 15 N., R. 3 E., as depicted on the 1952 USGS 15' Ship Mountain topographic map, to its confluence with Jones Creek, as a recreational river.

"(R) Canthook Creek from its headwaters in section 2, T. 15 N., 2 E., as depicted in the 1952 USGS 15' Shop Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(S) Rock Creek from the national forest boundary in section 6, T. 15 N., R. 2 E., as depicted on the 1952 USGS 15' Ship Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.

"(T) Blackhawk Creek from its headwaters in section 21, T. 15 N., R. 2 E., as depicted on the 1952 USGS 15' Ship Mountain topographic map, to its confluence with the South Fork Smith River, as a recreational river.".

(c) MANAGEMENT.—The management plan prepared under section 9 of this Act shall be deemed to satisfy the requirement for a comprehensive management plan required under section 3(d)(1) of the Wild and Scenic Rivers Act.

SEC. 11. STREAMSIDE PROTECTION ZONES.

(a) For each of the rivers and river segments specified in this subsection, there is hereby established a streamside protection zone in which timber harvesting shall be prohibited. Such zone shall extend 300 feet from each bank of the rivers and river segments, or 100 feet from the inner gorge of said rivers and river segments, or within the limit of high and extreme landslide hazards on said rivers and river segments, whichever is greater. The provisions of this subsection shall apply to the following rivers and river segments:

(1) Rowdy Creek (from California-Oregon border to NRA boundary).

(2) Shelly Creek (from its headwaters to Patrick Creek).

(3) East Fork Patrick Creek (from its headwaters to Patrick Creek).

(4) West Fork Patrick Creek (from its headwaters to Patrick Creek).

(5) Little Jones Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(6) Patrick Creek (from the confluence of the East and West forks of Patrick Creek to the Middle Fork of the Smith River).

(7) Monkey Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(8) Hardscrabble Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(9) Quartz Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(10) Jones Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(11) Upper Hurdygurdy Creek (from its headwaters to Dry Lake).

(12) Gordon Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(13) Coon Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(14) Craigs Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(15) Goose Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(16) East Fork of Goose Creek (from its headwaters to its confluence with Goose Creek).

(17) Muzzleloader Creek (from its headwaters to its confluence with Jones Creek).

(18) Canthook Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(19) Rock Creek (from the NRA boundary to its confluence with the South Fork of the Smith River).

(20) Blackhawk Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(b) For each of the rivers and river segments specified in this subsection there is established a streamside protection zone in which timber harvesting shall be prohibited. Such zone shall extend on the average of one quarter mile on either side of said rivers and river segments, or 100 feet from the inner gorge of said rivers and river segments, or within the limit of high and extreme landslide hazards on said rivers and river segments, whichever is greater. The provisions of this subsection shall apply to the following rivers and river segments:

(1) Main stem Smith (from the South Fork to the NRA boundary).

(2) Middle Fork Smith (from its headwaters to its confluence with the Middle Fork of the Smith River).

(3) Myrtle Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(4) Kelly Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(5) Packsaddle Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(6) Griffin Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(7) Knopti Creek (from its headwaters to its confluence with the Middle Fork of the Smith River).

(8) North Fork of the Smith River (from the California/Oregon border to its confluence with the Middle Fork of the Smith River).

(9) Diamond Creek (from the California/Oregon border to its confluence with the North Fork of the Smith River).

(10) Bear Creek (from its headwaters to its confluence with Diamond Creek).

(11) Still Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(12) North Fork of Diamond Creek (from the California/Oregon border to its confluence with Diamond Creek).

(13) High Plateau Creek (from its headwaters to its confluence with Diamond Creek).

(14) Stony Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(15) Peridotite Creek (from its headwaters to its confluence with the North Fork of the Smith River).

(16) Siskiyou Fork, Smith River (from its headwaters to the Middle Fork of the Smith River).

(17) South Siskiyou Fork of the Smith River (from its headwaters to its confluence with the Siskiyou Fork of the Smith River).

(18) South Fork Smith River (from its headwaters to its confluence with the Middle Fork of the Smith River).

(19) Williams Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(20) Eight Mile Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(21) Harrington Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(22) Prescott Fork of the Smith River (from its headwaters to its confluence with the South Fork of the Smith River).

(23) Buck Creek (from its headwaters to its confluence with the South Fork of the Smith River).

(c) For the Lower Hurdygurdy Creek (from Dry Lake to its confluence with the South Fork of the Smith River) there is established a streamside protection zone in which timber harvesting shall be prohibited. Such zone shall extend one-eighth mile on either side of said Lower Hurdygurdy Creek.

(d) The provisions of this section shall be in addition to, and not in lieu of, any restrictions on timber harvesting or other activities applicable to the streamside protection zones established by this section under any other applicable provision of this Act.

SEC. 12. STATE AND LOCAL JURISDICTION AND ASSISTANCE.

(a) STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of California or any political subdivision thereof, to exercise civil and criminal jurisdiction or to carry out State fish and game laws, rules, and regulations within the recreation area, or to tax persons, franchise, or private property on the lands and waters included in the recreation area, or to regulate the private lands within the recreation area.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized and encouraged to enter into cooperative agreements with the State of California or its political subdivisions for—

(1) the rendering on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire prevention agencies; and

(2) the planning for use, management, and development of non-Federal lands within the recreation area and elsehwere in the Smith River watershed in the furtherance of the purposes of this Act.

(c) TECHNICAL ASSISTANCE.—To enable the State of California and its political subdivisions to develop and implement programs compatible with the purposes of this Act, the Secretary, in consultation with the Secretaries of the Interior, Commerce, and Housing and Urban Development, shall consider upon request such technical assistance to the State and its political subdivisions as is necessary to fulfill the purposes of this section. Such assistance may include payments or grants, within existing programs, for technical aid and program development.

(d) LAND INFORMATION SYSTEM.—The Secretary of Agriculture shall assist the county of Del Norte in developing a land information system that will be compatible with the Forest Service and National Park Service systems for the Federal lands in Del Norte County and such non-Federal systems as may be appropriate and that will be made available to Federal and non-Federal entities for use in coordinating planning for the recreation area and other lands in the Smith River watershed.

SEC. 13. SAVING PROVISIONS.

(a) ACTIVITIES ON LANDS OUTSIDE OF RECREATION AREA.—Nothing in this Act shall limit, restrict, or require specific management practices on lands outside the recreation area boundary. The fact that activities or uses outside the recreation area can be seen, heard, or otherwise perceived within the recreation area shall not, of itself, limit, restrict, or preclude such activities or uses up to the boundary of the recreation area.

(b) PRIOR RIGHTS.—(1) Nothing in this Act shall limit, restrict, or preclude the implementation of valid timber sale contracts or other contracts or agreements executed by the Secretary before the date of enactment of this Act.

(2) Except as specifically provided herein nothing in this Act shall be construed as diminishing or relinquishing any right, title, or interest of the United States in any lands, waters, or interests therein within the boundaries of the recreation area designated by this Act.

(C) ROAD EASEMENTS.—Nothing in this Act shall be construed as affecting the responsibilities of the State of California or any of its political subdivisions with respect to road easements, including maintenance and improvement of State Highway 199 and County Route 427.

(d) RIGHTS OF ACESS.—Existing rights provided by Federal law for access by private landowners across National Forest System lands shall not be affected by this Act.

(e) ENTITLEMENT MONEYS.—Annually for the first five full fiscal years beginning after the date of enactment of this Act, the Secretary shall pay for use by units of local government within the recreation area an amount equal to the difference between the amounts payable for such purposes pursuant to the Act of May 23, 1908 (chapter 193; 35 Stat. 251; 16 U.S.C. 500) and the average amount paid for such purpose under such Act during the five fiscal years preceding the date of enactment of this Act. The amount payable under this subsection shall be reduced by 10 percent annually commencing the sixth fiscal year and 10 percent annually thereafter for each succeeding fiscal year until the amount payable shall be reduced 100 percent by the end of the fifteenth fiscal year after the date of enactment. This subsection shall expire 14 years after the first payment pursuant to this subsection.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act and the amendments made by this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4309 as reported from the Committee on Interior and Insular Affairs.

This bill would provide for designation of the Smith River National Recreation Area within the Six Rivers National Forest in Del Norte County, CA. It would also statutorily designate a number of segments of the Smith River and its tributaries for inclusion in the National Wild and Scenic Rivers System.

Mr. Speaker, the area covered by this bill is in extreme northwestern California. The Smith River is the last major undammed river in the State, and is characterized by exceptionally clear water, a vigorous anadromous fishery, and steep, forested mountains. The area exhibits tremendous diversity, including lush coastal redwood forests, dense stands of mixed conifers and hardwoods, sparsely vegetated high elevation plateaus, and high mountain peaks and meadows.

The area includes one of the best salmon and steelhead fisheries on the west coast, with 176 miles of anadromous fish habitat and 114 miles available to anglers seeking quiet and solitude while fishing for native trout. The six lakes in the NRA range in size from 0.7 to 6.1 acres, and are stocked with rainbow or brook trout by the California Department of Fish and Game. In addition, 300 species of wildlife occur in the area.

The provisions of this bill designating a Smith River National Recreation Area and designating a number of river segments for inclusion in the National Wild and Scenic Rivers System generally correspond to proposals documented in a forest service management plan in February 1990.

The river segments that the bill would designate include the three main forks of the Smith River, numerous tributaries, and a short segment of the main stem. These rivers and tributaries were listed in the nationwide rivers inventory conducted by the National Park Service. These same rivers are part of the California Wild and Scenic River System.

In July 1980, the Governor of California petitioned the Secretary of the Interior to include these rivers and tributaries in the National Wild and Scenic Rivers System under section 2(A)(II) of the Wild and Scenic Rivers Act. A decision on January 19, 1981, by the Secretary of the Interior added the rivers and tributaries to the national system. The bill would give that status a statutory confirmation.

In addition, Mr. Speaker, the bill would establish streamside protection zones, where timber harvest would be prohibited, for certain specified streams within the Smith River Basin, and would adjust the boundaries of the Six Rivers National Forest so as to exclude certain private lands now within those boundaries. The bill also includes provisions dealing with the status of some Federal lands that for many years have been used by the county for public purposes, and imposes restrictions on mineral development within the national recreation area.

Finally, Mr. Speaker, the bill provides for a transitional period during which local governments in the area would be given assurance against possible reductions in payments under existing laws that tie such payments to Federal timber receipts. This provision would supplement such payments, to bring them up to an amount based on the average payment made during the last 5 years, should that be necessary.

Mr. Speaker, this is a good bill, and one that reflects great credit on the gentleman from California [Mr. Bosco], who has worked so long and hard and has exercised such leadership in putting together a proposal that enjoys such well-deserved support. I want to highly commend him for this achievement, which deserves the overwhelming approval of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Smith River is clearly one of the crown jewels of Western rivers. In fact, it is the last major river in California that is completely free of dams and diversions. This area is rich in spectacular scenery and abounds in fish and wildlife. It has long been one of California's prime recreation attractions.

There has been considerable controversy concerning the proper approach for protecting the Smith River. Some have suggested that some sort of designation managed by the National Park Service might be most appropriate. However, because of the sharp increase in tourism promised by supporters of an expanded Redwood National Park that never materialized, local residents were not enthralled with the idea of having an additional unit of the National Park Service in their backyard.

As a result, Congressman DOUG Bosco took it upon himself to work with a broad cross section of local people and groups to design a protection plan for the Smith River that everyone could live with comfortably. H.R. 4309 is the final product of a long and perhaps painful process at times that included the Forest Service, local government, conservationists, and the timber industry.

I know that during the relatively short time between the hearing by the Subcommittee on National Parks and Public Lands and markup by the full Interior Committee, we saw a number of different versions of the bill. As a result, I can only imagine that numerous changes took place in this bill during months Mr. Bosco and his constituents have worked on it.

H.R. 4309 would create a national recreation area of about 300,000 acres to be managed by the Forest Service. Although most of this area will be managed primarily for noncommodity uses such as recreation and fish and wildlife habitat, a significant area is dedicated for timber harvest under prudent management.

Moreover, this legislation would add several important tributaries of the Smith River as components of the National Wild and Scenic Rivers System that were not included in the original designations made nearly 10 years ago. It also upgrades the classification of several other rivers that were previously designated.

Mr. Speaker, I would note that although the administration generally supports this bill, they have three major objections.

They are the prohibition on most timber harvest within the corridors of designated wild and scenic rivers and making Federal payments to local counties totaling $10 million.

However, perhaps the greatest objection the administration has deals with prohibiting mining on valid existing claims. The statements on administration policy regarding this provision states:

> The Secretary of Agriculture would be required to compensate existing claimants for this taking of their private property rights. There are over 5,000 claims within the boundary of the proposed national recreation area. One firm alone has spent approximately $20 million just on mineral documentation. While the Department of Agriculture does not have an estimate of the value of these mining claims, such compensation would be very costly.

I am optimistic that all three of these concerns can be ironed out in the Senate during the remaining days of the 101st Congress.

□ 1340

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Bosco], the architect of this bill.

Mr. BOSCO. Mr. Speaker, I appreciate the opportunity to speak in support of H.R. 4309, my legislation that would establish a National Recreation Area encompassing the national forest

lands in the Smith River watershed in California.

H.R. 4309 will establish a 300,000-acre National Recreation Area in the heart of the Six Rivers National Forest in Del Norte County. The bill is the product of many months of painstaking work with the Forest Service, representatives of local government, environmental groups and the timber industry, to produce a proposal that will provide permanent protection for the "crown jewel" of California's wild and scenic rivers. I particularly want to thank the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and his staff, for their assistance and support in developing the bill before the House today.

The Smith River and its tributaries comprise the only remaining watershed in California that is completely free of dams and diversions. Its clear waters, spectacular scenery and abundant fish and wildlife have long made it one of the California's premiere recreation attractions. Its rich forests have produced more than a billion board feet of timber over the past four decades. But the resources that make the Smith River such a uniquely valuable part of our natural heritage have also made it a magnet for controversy. Proposals that have been advanced in recent years run the gamut from large-scale strip mining and increased logging to creation of a national park. After the bitter battles over expansion of Redwood National Park in 1978 and the California Wilderness Act in 1984, I think we're all ready to end this controversy.

This legislation represents our best efforts to produce a plan that will guarantee the protection of the values that make the Smith River such a special place while enhancing its recreational potential and ensuring the sustained productivity of its renewable resources.

In many ways, the challenges we faced in developing this proposal mirror the challenges facing the national forest system as a whole. To the extent we are successful, I believe it could provide a model for responding to the conflicts confronting us in the future management of highly sensitive lands throughout the national forests.

Although the general effect and intent of this bill is to shift the overall management emphasis of Six Rivers National Forest's Gasquet Ranger District more toward recreation, the underlying land allocations and prescriptions have largely been determined by the physical character of the watershed itself and the ecological systems it supports.

The result is a comprehensive, ecologically based management strategy that will provide for a wide range of uses in the Smith River watershed with a minimum of conflicts.

The heaviest recreation use has been and will continue to be focused along the river's Middle Fork adjacent to Highway 199, along the Lower South Fork and in the lower Hurdygurdy Creek areas. The Forest Service's draft management plan calls for additional camping facilities and trails, improved boating and fishing access and expanded information and interpretive services in these areas.

More primitive recreation opportunities are available in the Siskiyou Wilderness and the truly wild rivers of the North Fork and Upper South Fork. Those areas will remain much the way they are today, with the exception of river access and trail improvements.

The primary emphasis in the Upper Middle Fork area will be on maintaining ecological diversity through preservation of remaining old growth timber and sensitive management of existing young plantations.

Future timber harvests will for the most part be limited to the Prescribed Timber Management Area, which primarily includes lands in the higher central part of the watershed where extensive logging has already occurred and road systems are in place. This area includes substantial acreage in private ownership which I believe the Forest Service should be encouraged to acquire from willing sellers either by purchase or exchange to enhance the NRA's long-term timber production potential.

The bill specifically requires the use of "new forestry" techniques and maintenance of biological diversity in areas subject to timber management. I believe this is one of the crucial challenges facing public land managers today, and I hope the Forest Service will take advantage of this opportunity to make this a model for testing and development of alternative silvicultural strategies.

Wildlife considerations, including the needs of spotted owls and other sensitive species, have been integrated into the plan throughout the NRA through the protection of large blocks of habitat and connecting corridors. I believe this plan provides a biologically sound framework for future management of the spotted owl, and I hope that consideration will be given to modifications to the boundaries of the proposed Habitat Conservation Area that would more closely reflect the land allocations contained in this bill.

The measure also adds to the National Wild and Scenic Rivers System several important tributaries that were left out of former Secretary Andrus' original designation and upgrades the classification of several other streams that are already protected.

The legislation would prohibit mining on Federal lands within the recreation area.

The bill also contains several important provisions intended to address Del Norte County's concerns about the impact of the NRA's establishment on local government finances, correct a historic survey error and ensure coordination of planning efforts throughout the watershed.

In conclusion, Mr. Speaker, there are those in the environmental community and the timber industry who will say that this bill goes too far or not far enough in protecting the Smith River. But I believe this is a responsible legislative solution that all parties can live with and one that enjoys broad support among the general public. I would appreciate my colleagues' support in helping to enact H.R. 4309 into law this year.

Mr. STARK. Mr. Speaker, the Smith River in northern California tumbles unfettered through steep canyons from the coastal mountains into the Pacific Ocean. There are magnificent stands of old growth redwood and Douglas fir trees. The legislation we are considering today will preserve much of the greatness and wildness of the Smith River.

The legislation protects more than 14,000 acres of old growth forest. The bill closes more than half of the 305,000 acres in the national recreation area to logging. The act calls for rehabilitating landscapes and watersheds damaged by past logging and mining activities.

Mr. Speaker, this is not a perfect bill. There are areas that should be included in the ban on cutting. These include the Lower South Fork Management Area, the Lower Hurdygurdy Creek Management Area, and Muslatt Mountain. However, other areas that are set aside for logging have little scenic or wildlife value. Some of these areas have already been heavily logged.

However, in spite of the problems, there is a broad coalition of support from the environmental community, local officials and the major timber companies to pass the bill. We have an opportunity to preserve a splendid area in northern California for future generations to enjoy. We should act now.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill H.R. 4309, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ESTABLISHING A MEMORIAL AT CUSTER BATTLEFIELD NATIONAL MONUMENT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4660) to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. FINDINGS.

The Congress finds that—

(1) a monument was erected in 1881 at Last Stand Hill to commemorate the soldiers, scouts, and civilians attached to the 7th United States Cavalry who fell in the Battle of the Little Bighorn;

(2) while many members of the Cheyenne, Sioux, and other Indian Nations gave their lives defending their families and traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals; and

(3) the public interest will best be served by establishing a memorial at the Custer Battlefield National Monument to honor the Indian participants in the battle.

SEC. 2. AUTHORIZATION FOR ESTABLISHMENT OF MEMORIAL.

In order to honor and recognize the Indians who fought to preserve their land and culture in the Battle of the Little Bighorn, to provide visitors with an improved understanding of the events leading up to and the consequences of the fateful battle, and to encourage peace and brotherhood among people of all races, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is auhorized to design, construct, and maintain a memorial at the Custer Battlefield National Monument.

SEC. 3. SITE, DESIGN, AND PLANS FOR MEMORIAL.

(a) SITE.—The Secretary is authorized and directed to select a suitable area for the memorial authorized by section 2. Such area shall be located on the ridge in that part of the Little Bighorn Battlefield which is in the vicinity of the 7th United States Cavalry Monument, as generally depicted on a map entitled "Indian Memorial Site Alternatives, Custer Battlefield National Monument", numbered 80,050, and dated June 1989.

(b) DESIGN AND PLANS.—The Secretary is authorized to hold a competition to select the design of the memorial authorized by section 2. The design and plans for the memorial shall be subject to the approval of the Secretary.

(c) CONSULTATION.—In selecting a site and design for the memorial authorized by section 2, the Secretary shall provide for the public input from interested members of the public, including the Indian Memorial Committee, appointed by the Rocky Mountain Regional Director of the National Park Service.

SEC. 4. DONATIONS OF FUNDS, PROPERTY, AND SERVICES.

Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing for the memorial authorized by section 2.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4660, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4660 was introduced by our colleague Representative RON MARLENEE, along with Representative CAMPBELL of Colorado, Representative UDALL, and Representative WILLIAMS. The legislation authorizes the establishment of a memorial at Custer Battlefield National Monument to commemorate the Indians who fought to preserve their land and culture at the Battle of the Little Bighorn in 1876.

While many know of Custer's last stand, far fewer know of the circumstances or events that led to this momentous encounter at Little Bighorn. For a time that story only centered on the daring and flamboyancy of Lt. Col. George Armstrong Custer who led his men into a fateful battle that proved to be the high water mark of the Plains Indians struggle. Looking back today we can see a story of sacrifice and bravery on both sides. The Indian memorial authorized by H.R. 4660 is meant to give recognition to the Indians who fought there, just as the existing Seventh Cavalry Monument recognizes U.S. Army participants.

There is significant public interest in this legislative proposal, especially from members of the Indian community, who have felt that such recognition was long overdue. This project was developed with significant public input, including the participation of an Indian memorial committee appointed by the National Park Service in 1989. The legislation provides for a continuation of this public participation process in finalizing the placement and design of an Indian memorial at the battlefield.

Mr. Speaker, there is a general consensus that H.R. 4660, as amended, is a good proposal that will provide tangible recognition of Indian involvement in the Battle of the Little Bighorn. I know of no controversy with the erection of this memorial and I urge adoption of the legislation by the House.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am proud to bring to this august body H.R. 4660 that, at last will give recognition to the fallen Indian warriors of the most famous battle ever fought in the Indian wars—the Battle of the Little Bighorn.

Lt. Col. George Armstrong Custer has long been honored along with his forces who died in this battle at what is now known as the Custer Battlefield National Monument. In 1881, the U.S. Government erected a monument over the mass grave-site on Last Stand Hill for soldiers, scouts, and civilians attached to the 7th Cavalry who died there.

On a scorching June Sunday in 1876, hundreds of Indian warriors converged on a grassy ridge rising above the valley of Montana's Little Bighorn River. On the ridge, 5 companies of U.S. cavalry, about 225 officers and troopers, fought desperately but hopelessly against many times their number. When the guns fell silent and the smoke and dust of battle lifted, no soldier survived.

This was "The Battle of the Little Bighorn"—a spectacular triumph for the American Indian, but one that for too long has not been properly recognized.

This legislation today will begin to restore historical balance to the battle. While many members of the Cheyenne, Sioux, and other Indian nations gave their lives defending their families and their traditional lifestyle and livelihood, nothing stands at the battlefield to commemorate those individuals.

This legislation will authorize a memorial at Custer Battlefield to honor the many members of the Cheyenne, Sioux, and other Indian Nations that gave their lives defending their land, families, culture, and livelihood in the Battle of the Little Bighorn.

This legislation will do more than bring recognition to one group of courageous Indians. This year marks the 100th anniversary of the last battle fought by the Indians—the Battle of Wounded Knee. And, with the theme of "Peace Through Unity," this memorial recognizes that only through peaceful relationships among people of all races can our Nation achieve the unity that is so vital to continued strength and prosperity.

I wish to note that the entire State of Montana stands to benefit from erection of this memorial. Its establishment will further enhance the already worldwide and national significance of Custer Battlefield National Monument, increasing its drawing power as a major historical site in the United States.

Because of its significance in Indian history as the site of the last major victory by the Indians, Custer Battlefield has long deserved the recognition it has received. Now, with the establishment of this memorial, its importance will be fittingly elevated in the pages of U.S. history.

I ask my colleagues to join me in passing this important legislation.

Mr. MARLENEE. Mr. Speaker, today before the U.S. House of Representatives is a landmark piece of legislation that marks an important step toward restoring balance in the history of the Battle of the Little Bighorn in 1876.

For years, we have paid homage to Col. George A. Custer and the estimated 268 of his U.S. Cavalry forces who were killed in this famous battle. The names of these brave soldiers, scouts and civilians attached to the 7th Cavalry are remembered in a monument erected in 1881 over the mass gravesite on Last Stand Hill.

But nothing stands to remember the estimated 3,000 Indian warriors who fell in this battle in defense of their families, their traditional lifestyle and their livelihoods. Nothing stands to recognize their courageous spirit, their fierce determination to desperately hold onto the way of life as they knew it before the coming of the white man.

H.R. 4660 seeks to change that. It seeks, as it were, to "set the record straight," to tell the "rest of the story." This legislation simply authorizes the construction of a memorial at Custer Battlefield National Monument located in my Congressional District in eastern Montana. H.R. 4660 takes a simple step toward restoring historical balance, but it is no less significant.

For the Indians, I believe the establishment of a memorial means their story will begin to be heard with greater balance and with greater understanding. We will begin to hear more about these fallen warriors, about the 8,000 to 10,000 women, children and advisors who encamped near the battle site on June 25 and June 26, 1876. We will hear more about what led to their decision to stand up and fight rather than simply surrender.

Though some may view the establishment of an Indian memorial as an action that will reopen old wounds, I view it in a completely opposite light. The purpose of H.R. 4660 is not to divide, but, rather, to unite and I believe unity can only exist as we understand each other, as we seek to learn the reasons why others acted as they did. Clearly, it is only through a peaceful relationship between people of all races that our Nation can achieve the unity that is vital to continued strength and prosperity.

Passage of H.R. 4660 could come at no better time. The year 1990 marks the 100th anniversary of the last battle fought by the Indians—on December 23, 1890 at Wounded Knee, SD. One hundred years ago, these proud and noble people laid down their arms. We can do nothing better in honoring these people for their decision to achieve peace by passing this bill this year.

Mr. Speaker, I thank you for the opportunity to speak today in support of this legislation and I urge passage of the bill.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] the House suspend the rules and pass the bill, H.R. 4660, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ESTABLISHING THE LAKE MEREDITH NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4878) to establish the Lake Meredith National Recreation Area in the State of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4878

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ESTABLISHMENT.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of the lands and waters associated with Lake Meredith in the State of Texas, and to protect the scenic, scientific, cultural, and other values contributing to the public enjoyment of such lands and waters, there is hereby established the Lake Meredith National Recreation Area (hereafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Lake Meredith National Recreation Area Boundary Map, 'Fee-Take Line'", numbered SWRO—80,023-A, and dated September 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") may from time to time make minor revisions in the boundary of the recreation area.

(c) TRANSFER.—(1) Except as provided in paragraph (2), the Federal lands, waters, and interests therein within the recreation area are hereby transferred to the National Park Service.

(2) Those lands depicted on the map referred to in subsection (b) that are necessary for the continued operation, maintenance, and replacement of the Canadian River Project facilities and its purposes of providing for municipal and industrial water supply and flood control shall remain under the jurisdiction of the Bureau of Reclamation.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the recreation area in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 7, 1946 (60 Stat. 885). In the administration of such recreation area, the Secretary may utilize such statutory authority as may be available to him for the protection of natural and cultural resources as he deems necessary to carry out the purposes of this Act.

(b) OPERATION OF CANADIAN RIVER PROJECT.—Nothing in this Act shall be construed to affect or interfere with the authority of the Secretary under the Act of December 29, 1950 (Public Law 81-898; 43 U.S.C. 600b et seq.), to operate Sanford Dam and Lake Meredith in accordance with and for the purposes set forth in that Act.

(c) LAND ACQUISITION.—Within the boundary of the recreation area, the Secretary may acquire lands and interests in lands by purchase with donated or appropriated funds, exchange, or transfer without reimbursement from any Federal agency.

(d) CULTURAL RESOURCES.—The Secretary shall conduct a survey of the cultural resources in the immediate vicinity of the recreation area. The Secretary is authorized to enter into cooperative agreements with public or private entities, including landowners, for the purpose of conducting the survey required by this subsection. Not later than three years after the date on which funds have been made available, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the results of the survey required by this subsection.

(e) HUNTING AND FISHING.—(1) The Secretary shall permit hunting and fishing on lands and waters under the Secretary's jurisdiction within the recreation area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish time periods when, hunting or fishing will not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

(2) Except in emergencies any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) COOPERATIVE AGREEMENTS.—For purposes of administering the recreation area, the Secretary may enter into cooperative agreements with any Federal agency, the State of Texas, or any political subdivision thereof, including the Canadian River Municipal Water Authority, for the rendering, on a reimbursable basis, of rescue, firefighting, law enforcement, fire preventive assistance, and other needs. The Secretary may enter into a cooperative agreement with the city of Fritch, Texas, to develop and operate a joint venture information center. Federal funds may be expended on non-Federal lands and improvements through cooperative agreements for the purpose of this section on a 50-50 matching basis.

SEC. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

□ 1350

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4878, the bill presently under consideration.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4878 designates the Lake Meredith National Recreation Area in the State of Texas and transfers administration of most of the existing Sanford Dam-Lake Meredith Project Area to the National Park Service for administration.

Lake Meredith was constructed by the Bureau of Reclamation in the mid-1960's as the key part of the Canadian River project, primarily for the purpose of providing municipal water supply for the panhandle region of Texas. The recreation features at Lake Meredith have been administered by the National Park Service under a memorandum of understanding with the Bureau of Reclamation since project completion, almost 25 years. During that 25-year period Lake Meredith has become the second most popular facility managed by the National Park Service's Southwest Region, accommodating approximately 1½ million visitors annually.

The designation of Lake Meredith as a full-fledged unit of the National Park System will consolidate responsibility for all aspects of resource management for the area with the National Park Service and will provide much needed official recognition of the longstanding administrative arrangements for the area. Designation will also help focus management attention on the cultural resources found within the area.

During its deliberations of the bill the committee adopted an amendment in the nature of a substitute. The substitute more clearly defines the area to be transferred to the Park Service and that which is to be retained by the Bureau of Reclamation for project operation. The substitute also clarifies that it is not the intent of Congress to alter the original authorization of the Sanford Dam project contained in Public Law 81-898.

Mr. Speaker, I want to thank and acknowledge the efforts of Congressman SARPALIUS who sponsored this measure and who has been a great help to us in moving this bill. His actions have been instrumental in bringing us to this point.

Mr. Speaker, I believe that designation of Lake Meredith as a national recreation area is an important step in the management of the area and is one I am happy to support. I look forward to enactment of this legislation.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4878, a bill to establish Lake Meredith National Recreation Area in the State of Texas. This legislation would simply reaffirm in legislation the management scenario which has played out at Lake Meredith National Recreation Area over the last 25 years.

I understand that the administration opposes this legislation because it has not been established by the National Park Service as a priority and because of potential increased costs. However, this position seems to be at odds with actions taken by the National Park Service over the last 25 years. In 1965, the National Park Service entered voluntarily into an agreement to manage recreational use at the site. They have continued to maintain that operation. In fact over the last 10 years, the operational base at this park has been increased approximately $350,000. At the same time, the operational base has decreased at 5 out of 31 parks in the Service's Southwest Region. In regard to impacts of increased costs, the administration has not furnished the committee with cost information, therefore it is not possible to estimate the level of impact from this proposal.

The administration also pointed out in their testimony that this area may not meet the criteria outlined in NPS policy for establishment of a national recreation area. However, a review of these criteria reveals that they are so broadly written, that an extremely wide assortment of areas would meet the criteria, including the proposal as outlined in this bill.

Clarification of the status of this area should allow it to compete more effectively for development and other funding programs of the agency. While I could not support a proliferation of these types of sites in the national park system, where NPS manages man-made impoundments, this proposal is a reasonable addition.

I encourage my colleagues to join me in supporting this measure.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the sponsor of this bill, the genetleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, Lake Meredith is now celebrating its 25th anniversary. It is a real jewel to the Texas Panhandle. It provides our water supplies for 13 cities, including Amarillo and Lubbock, and as was said in the testimony earlier, it is a recreational facility that many people throughout the Texas Panhandle enjoy a great deal.

In the heart of the Lake Meredith Park that we have, there is a park that is known as the Alibates. It is the only national monument that we have in the State of Texas. It is where the Indians mined flint for 12,000 years, and tribes throughout the country would gather at the site where Lake Meredith is and exchange their goods and conduct trading there. The flint there is of tremendous value to the Indian culture.

I think this piece of legislation here, H.R. 4878, creates the Lake Meredith National Recreation Area, a recreational area which would encompass as much as 46,000 acres. It gives broad funding authority to help the lake reach national status, which it deserves.

I ask my colleagues and would encourage my colleagues to support this legislation. We feel like, for the past 25 years, the park has been neglected. This gives an opportunity for Members to put more emphasis on the park, and what it means to our area. I encourage my colleagues to support this bill, H.R. 4878.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4878, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CERTAIN USES OF LANDS OF RICHMOND NATIONAL BATTLEFIELD PARK AND COLONIAL NATIONAL HISTORICAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4107) to direct the Secretary of the Interior to permit certain uses of lands within Richmond National Battlefield Park and Colonial National Historical Park in the Commonwealth of Virginia, as amended.

The Clerk read as follows:

H.R. 4107

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. RIGHT-OF-WAY FOR NATURAL GAS PIPELINE.

The Secretary of the Interior is authorized, under regulations generally applicable to utility rights-of-way in the National Park System, to issue a permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of one natural gas transmission pipeline under and across the Colonial National Historical Park in the State of Virginia. The natural gas pipeline shall be located within the Virginia Power Company's existing electric transmission corridor located between Routes 143 and 716.

SEC. 2. RIGHTS-OF-WAY FOR EXISTING PIPELINES.

The Secretary of the Interior is authorized, under regulations generally applicable to utility rights-of-way in the National Park System, to issue permits granting underground easements for the operating and maintenance of the following existing pipeline facilities under and across the Colonial National Historical Park in the State of Virginia:

(1) Colonial Products petroleum pipeline #LOA-99-001.

(2) Virginia Natural Gas pipeline at the Glass House #LOA-90-002B.

(3) Virginia Natural Gas pipeline at Page Street #LOA-90-002C.

(4) Virginia Natural Gas pipeline at Route 143 #LOA-90-002D.

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4107, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, construction of facilities such as natural gas pipelines in units of the National Park System is an extremely sensitive issue. It is the Interior Committee's longstanding policy that no pipeline construction will be allowed in national park units unless there is a determination that park resources will not be adversely affected and there are no prudent alternative locations for construction.

Mr. Speaker, H.R. 4107 as introduced by Mr. BLILEY of Virginia, directed the Secretary of the Interior to authorize construction of three natural gas pipelines. Two of the pipelines would be located in Colonial National Historic Park and one would be located in Richmond National Battlefield Park. Congressional authorization of pipeline construction is required since the National Park Service has no general authority to grant rights-of-way for natural gas or petroleum pipelines.

Action is necessary on only one of the new pipelines at this time. This pipeline is the Virginia natural gas transmission line proposed to cross Colonial National Historic Park. The key reason for the committee's recommendation to proceed is because the park stretches from Jamestown to Yorktown completely across the intervening peninsula and makes it difficult to locate utilities in the area without crossing the park. In the case of this pipeline, there is no feasible alternative to its proposed location.

In addition to the new line, there are four existing pipelines at Colonial that were improperly authorized by the National Park Service. Testimony offered by the National Park Service indicated that both the one new and four existing lines at Colonial are not incompatible with the park and its resources.

In its review of the legislation, the committee adopted an amendment in the nature of a substitute to H.R. 4107 which: authorizes one new pipeline at Colonial National Historic Park and deletes both the second new pipeline proposed for Colonial and the one new line proposed for Richmond National Battlefield; authorizes the four existing lines at Colonial; and authorizes, but does not mandate, the National Park Service to issue the pipeline permits.

It is the committee's understanding that the pipeline companies will be charged fair market rental for all the lines, and that any disturbance caused by placement or maintenance of the lines will be reclaimed to the National Park Service's satisfaction.

Mr. Speaker, I support enactment of this legislation as amended and recommend its passage.

□ 1400

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 4107, a bill to authorize construction of a pipeline in Colonial National Historical Park. This measure was introduced by my colleague, Mr. BLILEY, and reflects his extensive efforts to ensure this project is undertaken with a minimum of impact to this important National Park Service area. Due to his work on the bill, it is supported by the administration.

Mr. Speaker, Colonial National Parkway extends as a narrow ribbon of green between the York and James Rivers, just east of Williamsburg, VA. The parkway already has a moderate level of urban development on both sides; thus there are no alternatives to crossing this road for expansion of service. The proposal brought forward by Mr. BLILEY minimizes the extent of potential impact on the park by using an already developed utility corridor and using construction methods which minimize impacts to park resources.

This bill also addresses a concern which exists at a currently unknown number of National Park Service areas, by providing the authority for four existing pipelines at the park to continue. The National Park Service has no generic authority to permit petroleum product pipelines across its lands, and preliminary estimates indicate there may be as many as several hundred existing, unauthorized petroleum pipelines in various National Park Service units around the country. The National Park Service needs authority to permit these existing lines to remain where appropriate and possibly to permit new lines under certain conditions. I hope we will be able to address this situation in the future.

I would like to thank the chairman of the subcommittee, Mr. VENTO, for working with us on this measure and helping to facilitate passage of this bill which will be very important to hundreds of future customers to be served by this line.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY], the sponsor of this legislation.

Mr. BLILEY. Mr. Speaker, in the summer of 1989, I was contacted by the city of Richmond requesting my help in getting authorization for the construction of a 137-mile natural gas transmission pipeline that would provide gas for residential, commercial, and industrial use. One of its major customers will be the city of Richmond.

In order to complete this pipeline, which has been approved by the State corporation commission, the builders of the pipeline must acquire underground easement rights through national historic parkland for a short segment of the pipeline. Unfortunately, the National Park Service has the authority only to grant overhead easements. For this reason, on February 23, 1990, I introduced H.R. 4107 which will give the appropriate easement

rights for the completion of the pipeline.

Since that time, as a result of discussions held between the pipeline builders, the National Park Service, and the subcommittee chaired by the honorable gentleman from Minnesota, [Mr. VENTO], the bill has been further refined and strengthened. The bill will now provide for the construction of the pipeline through the Colonial National Historical Park as well as grandfather four existing pipelines in that park.

Mr. Speaker, I want to thank Chairman VENTO and his staff for their prompt and professional consideration of this legislation. I also want to thank the ranking Republican member of the subcommittee, Mr. MARLENEE, and his staff for their response to this legislation. The completion of this pipeline will have a very positive impact, not only on my constituents but the entire Commonwealth of Virginia. It will help provide a safe, reliable, domestic, and clean burning fuel choice to the people of Virginia.

Mr. RHODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park, in the Commonwealth of Virginia."

A motion to reconsider was laid on the table.

## BLACKSTONE RIVER VALLEY HERITAGE CORRIDOR

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 830) to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes, and to increase the authorization of appropriations for the Commission, as amended.

The Clerk read as follows:

S. 830

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,*

SECTION 1. IMPLEMENTATION OF THE PLAN.

Section 8 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647, 16 U.S.C. 461 note) (hereinafter referred to as the "Act"), is amended by inserting the following at the end thereof:

"(c)(1) In furtherance of the purposes of this Act, the Secretary is authorized to undertake a limited experimental program of financial assistance for the purpose of providing demonstration funds for projects within the corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public in a manner consistent with the purposes of this Act.

"(2) Applications for funds under this section shall be made to the Secretary through the Commission. Each application shall include the recommendation of the Commission and its findings as to how the project proposed to be funded will further the purposes of this Act.

"(3) The Secretary is authorized to provide funds for the following purposes—

"(A) preservation and restoration of properties on or eligible for inclusion on the National Register of Historic Places;

"(B) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley; and

"(C) cultural programs and environmental education programs related to environmental awareness or historic preservation;

"(4) Funds made available pursuant to this subsection shall not exceed 50 percent of the total costs of the project to be funded. In making such funds available, the Secretary shall give consideration to projects which provide a greater leverage of Federal funds. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States of compensation of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act is amended by inserting "(a)" after "SEC. 10", striking "250,000 for the next five fiscal years" and inserting "350,000 for each year in which the Commission is in existence" and inserting at the end thereof the following—

"(b) DEMONSTRATION FUNDS.—There are authorized to be appropriated to carry out the provisions of section 8(c), $1,000,000 annually for fiscal years 1991, 1992, and 1993, to remain available until expended.".

The SPEAKER pro tempore. Is a second demanded?

Mr. RHODES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 830, which passed the Senate in July 1989, amends the act establishing the Blackstone River Valley National Heritage Corridor Commission to make grants for certain activities related to the Corridor and to increase the authorization of appropriations to the commission. The legislation is similar to H.R. 2127, introduced by Representatives MACHTLEY, EARLY, and ATKINS.

The Blackstone River Valley National Heritage Corridor was established by Public Law 99-647 in November 1986. Its purpose is to provide a cooperative management framework for the preservation and interpretation of the significant resources of the corridor associated with the American industrial revolution. To assist in this effort a 19 member commission was established to prepare a plan and help coordinate preservation and interpretation efforts.

During committee consideration of S. 830, several significant changes were made to the bill. As amended, the bill provides for a limited, targeted program of financial assistance to be administered by the Secretary of the Interior for qualified projects within the Heritage Corridor that fulfill the purposes for which the corridor was designated. This change addresses the concerns that had been raised about changing the nature of the Blackstone Commission from a planning and advisory body to a grantmaking authority. The amended bill also provides for cost sharing of funds and contains limitations on the use of these funds to avoid duplication with such programs as the Land and Water Conservation Fund and the Historic Preservation Fund.

Mr. Speaker, there has been considerable interest and enthusiasm in Massachusetts and Rhode Island for the National Heritage Corridor designation of the Blackstone River Valley. The Blackstone Commission has been active in the corridor in carrying out its responsibilities. The limited and targeted program provided for by S. 830 as amended will help focus the conservation and interpretation efforts within the corridor. I support S. 830, as amended, and recommend its adoption by the House.

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 830. This bill would provide for an increase in the authorized ceiling and funding purposes for the Blackstone River National Heritage Corridor. The amount of Federal funding authorized in this bill is relatively modest. However, in combination with matching funds to be provided from other sources, these dollars will make a sig-

nificant contribution to the success of this area.

In the last several years, Congress has enacted a number of park proposals which contain cost-sharing provisions. Such designations are appropriate for areas which are determined not to contain suitability for permanent designation as a National Park Service unit.

Several months ago, our subcommittee requested specific information from the administration regarding financial contributions from other sources for the Blackstone River project. They have informed us that over the last 2 years, State contributions for this area have exceeded federal funding by a 5-to-1 ratio.

This measure is only partially supported by the administration. Their major concern with the bill relate to the fact that by providing for site-specific granting authority in this bill we are undermining such programs as the National Historic Preservation Grant Program. I share that concern, but believe that the safeguards enacted in this bill provide some measure of insurance against that possibility.

I would like to recognize my colleague from Rhode Island [Mr. MACHTLEY], a principal cosponsor of this bipartisan bill. His cooperation in the development of this bill and his continued support of the Blackstone River project will be key to the success of this area in the future.

I urge my colleagues to join me in supporting this bill.

□ 1410

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Rhode Island. [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I wish to personally thank the chairman, the gentleman from Minnesota [Mr. VENTO] and the ranking minority member, the gentleman from California [Mr. LAGOMARSINO], as well as the gentleman from Arizona [Mr. RHODES], and their staffs for the fine cooperative effort which they provided in assuring that there was an amended version of S. 830 which was acceptable.

I also wish to commend my colleague, the gentleman from Massachusetts [Mr. EARLY], for his leadership and his guidance in making sure that the reality of this bill was in fact something that could be achieved in this term.

Mr. Speaker, this river flows 47 miles through both Massachusetts and Rhode Island. It is a unique historic location. It is fortuitous that we would have this legislation before us on the expected week of the textile bill, for it was in this location that the textile industrial revolution began, now over 200 years ago.

This year, on May 29, 1790, this stamp was commissioned which shows the Slater Mill, a classic building which was built by Samuel Slater, who memorized the works of England and brought them into this region.

This area has 47 historic districts, 5,000 historic buildings. This legislation will help preserve the historic character and the historic place of the textile industrial revolution in our history.

I also wish to thank the Members from the other body, the Senators PELL and CHAFEE, for their leadership in sponsoring and passing similar legislation.

We in Massachusetts and in Rhode Island are very proud of the unique history which this river has borne as the leader and founding place of the industrial revolution.

The special historic value of this area was given recognition 4 years ago with the enactment of Public Law 99-646, which created the Blackstone Valley National Heritage Corridor.

Since that time, there has been strong bipartisan and community spirit and pride to ensure that this Historic Valley National Heritage Corridor does, in fact, become a reality.

In recent hearings on S. 830 in the House Interior Committee many have commented on the committed demonstration by the citizens of the Blackstone Valley and their local and State communities. In fact, this is not only a good program for its unique historical aspect, but for its financial package as well. As has been indicated, local communities have leveraged the Federal dollars 5 to 1.

The project and the people behind it have more than proven themselves and now the Federal Government will be given the opportunity to endorse this program with needed additional funding.

The legislation we have under consideration today will provide the Blackstone Valley Commission with the needed operating capital for 1991, 1992, and 1993, as well as the demonstration project along its banks.

These additional funds will help preserve the historic integrity of the valuable historic Blackstone River.

Not only will it retain the historic character of this area, but it will also help the economic future of the area. There are 26 communities in the two States which abut this river, and it is no secret that during this tough economic period in New England this will be an enormous help.

I am pleased that this legislation has, in fact, come to the floor.

Mr. Speaker, I respectfully urge my colleagues to support the legislation.

Ms. SCHNEIDER. Mr. Speaker, I rise in support of S. 830, the Blackstone River Valley Heritage Commission Amendments and I congratulate my colleague, Representative RON MACHTLEY, for his successful efforts on behalf of this bill in the House.

In 1790, Samuel Slater built the first models for the Arkwright Mill and 3 years later he built the first successful water-powered cotton mill in Pawtucket, Rhode Island. The textile industry celebrates its 200th anniversary in America this year and I can think of no finer recognition of that event than the passage of this bill to preserve and enhance the cradle of American industry.

In 1986, Congress passed legislation designating the Blackstone River Valley as a National Heritage Corridor in Massachusetts and Rhode Island. This served to provide an official affiliation between the region and the National Park Service, which provides it with technical assistance.

S. 830 builds on this earlier legislation to strengthen the Federal-State-local partnership that has been so successful to date. It also provides the authority to fund programs that have already been initiated with private money. Specifically, S. 830 authorizes funding for: Matching grants to preserve and restore historic structures in the area; acquisition of threatened parcels of land for open spaces; initial planning and design of exhibits at interpretive centers; and cultural and education program grants.

The preservation of the heritage of our country is one of the finest gifts we can pass on to our children. This legislation takes a step in the proper direction of guaranteeing that this important part of our past is understood and enjoyed.

Mr. Speaker, I feel that this bill recognizes the importance that innovative industrial activities played in the early days of our country, and I hope that spirit of innovation that was first felt in the Blackstone River Valley will continue to be exhibited during the centuries to come.

Mr. EARLY. Mr. Speaker, I rise in support of the pending legislation to authorize the Blackstone River Valley National Heritage Corridor Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the commission.

The Blackstone River Valley has national significance as the birthplace of the American Industrial Revolution, and the Rhode Island system on manufactuing. In recognition of the nationally significant resources of the Blackstone River Valley, which runs from Worcester, MA, to Pawtucket, RI, the Blackstone River Valley National Heritage Corridor Act was enacted in November 1986 to facilitate the preservation and commemoration of the birthplace of the American Industrial Revolution.

Three factors distinguish the valley from other industrial regions. It was the first such region in the United States; the first widespread use of water power for industry occurred on the Blackstone and branch rivers; and it was where the Rhode Island system on manufacturing was developed.

The technology and organization of manufacturing pioneered in the Blackstone Valley influenced industrial development in the rest of our young country. As home of the Rhode Island system, a district tradition in manfuac-

turing, the valley in unique. The textile manufacturing centers which developed in Worcester, Hopedale, Northbridge, and Millbury, MA, and in Pawtucket and Providence, RI, constituted one of the most important machine making districts in the Nation.

The first textile mill in the United States was established on the Blackstone River by Samuel Slater in 1790 in what is now the city of Pawtucket, RI. For more than two centuries, the massive forces of the Blackstone River spun the wheels and turbines that powered the mills along its banks. So many mills exploited the river's water power in the early 19th century that all but 30 feet of the river's 430-foot drop in altitude in its 46-mile journey from Worcester to Pawtucket was harnessed in some fashion.

The Blackstone Canal, built in the 1820's was an important canal in its own right in early America, contributing to the growth and commercial prominence of Worcester and Providence, now the second and third largest cities in New England.

Since the enactment of the legislation establishing the National Heritage Corridor. Massachusetts and Rhode Island have intensified its cooperative efforts to revitalize the corridor and preserve and interpret the unique and significant contributions of the Blackstone Valley to our heritage. As required by Public Law 99-647. The Commission has prepared a cultural heritage and land management plan and, after extensive review, this plan was approved by the Secretary of the Interior. It is an excellent plan. It has received an enormous response from my consitutents. The Governors of Rhode Island and Massachusetts have reviewed it and enthusiastically agreed to help implement it. There has been a new surge of investment in plan objectives from private citizens as well as local and State government.

The legislation before us today authorizes the Secretary of Interior to provide demonstration funds for propjects within the corridor to assist in the implementation of this plan. It also authorizes additional funds to enable the commission to carry out its responsibilities under the act and in implementing the corridor plan.

The Blackstone Valley is unique in its ability to convey, through its rich social history and extensive physical remnants and ruins, the story of the textile industry in New England, the canal building era, and the diverse immigrant population that came to the valley in search of jobs. In addition to its historic importance, the river has beautiful natural stretches and scenic areas that provide green spaces and opportunities for recreation in the midst of the densely populated valley. The Blackstone River Valley National Heritage Corridor was created because the historic character of the valley's 19th century mill villages, rural landscape and open spaces have been demaged by economic decline and 20th century pollution. And, it is now being threatened by the quickening pace of suburbanization.

I am more convinced than ever of the importance of preserving the historical and cultural resources of the corridor, and of the unique opportunity we have to share with present and future generations its significant contributions to our national heritage. The mills, villages, transportation networks, and social history of the early settlers in this area tell the story of the industrialization of 18th and 19th century America. The valley offers an invaluable resource for the study and application of the community life and workplace in industrial America.

With the assistance authorized in this legislation, the Blackstone River Valley corridor takes another step closer to realizing its potential. Not only witll it benefit residents of Massachusetts and Rhode Island, but it will also help to preserve, and bring to life, a very important part of our heritage for all Americans.

I urge my colleagues support of this legislation.

Mr. RHODES. Mr. Speaker, I want to commend the leadership of the gentleman from Rhode Island [Mr. MACHTLEY], in assisting us in getting this legislation to the floor. I urge our colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 830, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SUPPORT FOR BRAZILIAN CONSERVATION EFFORTS TO PROTECT THE AMAZON

Mr. YATRON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 431) to establish that it is the policy of the United States to encourage and support conservation efforts initiated by Brazil to protect the Amazon forest, and that the United States should redouble its efforts to reduce its pollution of the global environment as amended.

The Clerk read as follows:

H.J. RES. 431

Whereas the Federal Republic of Brazil is a longstanding friend of the United States, being our most populous neighbor in the Western Hemisphere, and a trading partner with whom we have conducted over $10,000,000,000 of trade per year;

Whereas Brazil possesses within its borders over six hundred million acres of one of the greatest natural resources on Earth, the vast forest of the Amazon, comprising 30 percent of the world's tropical forests, 18 percent of the world's fresh river water, and the habitat of approximately 30 percent of all life species, including more species of primates, flowering plants, and psittacine birds than are found in any other nation;

Whereas this great resource is indisputably under the sovereign authority of Brazil, and any suggestion to subject the Amazon to international control or in any way diminish Brazil's sovereign authority over it should be condemned as inappropriate;

Whereas the conservation and preservation of its Amazon forest is ultimately the responsibility of Brazil and it is developing a body of environmental law and has included in its new constitution a strong commitment to environment protection;

Whereas the increasingly large and accurate body of scientific knowledge regarding the greenhouse effect has demonstrated that the environmental degradation of Amazonia makes a significant contribution to the greenhouse effect;

Whereas the environmental degradation of Amazonia results in a loss of genetic resources found in its rich biological diversity, degradation of soil quality, erosion, and accelerated siltation of waterways;

Whereas such environmental degradation jeopardizes the renewable nature of Amazonia natural resources;

Whereas the United States supports the sustainable economic development of all tropical nations, including Brazil, for humanitarian, political, economic, and environmental reasons, and, to a great extent, the development of these nations depends on increasing production from their potentially renewable soil, forest, and water resources in an environmental sound manner; and

Whereas the United States has historically faced, and continues to face, many environmental problems of its own, resulting in a wealth of technology and experience useful to sustainable development and environmental protection: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

(1) it is the policy of the United States to unequivocally recognize Brazil's sovereign authority in the Amazon, rejecting any suggestion of international control or foreign domination over the area;

(2) where appropriate, the United States should adopt a policy to encourage and support conservation efforts initiated by Brazil to protect the Amazon forest and should be open and willing to respond positively, through means such as technical assistance, international financing coupled with environmental assessments, and various mechanisms to reduce unsound development of the Amazon forest which is a result of economic and social factors; and

(3) the United States should redouble its efforts to address development within its own borders in an environmentally sound and sustainable manner.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I must consume.

Mr. Speaker, I support House Joint Resolution 431, and want to acknowledge the gentleman from Virginia [Mr.

WOLF] for this outstanding and extremely relevant measure. Let me also commend the subcommittee's ranking minority member, Mr. BEREUTER, whose leadership and cooperation on environmental issues has been extremely valuable. I would also like to commend the chairman of the Foreign Affairs Committee, Congressman FASCELL, and the ranking Republican member of the Committee, Congressman BROOMFIELD, for their efforts in getting this legislation to the floor in an expeditious manner.

Mr. Speaker, Brazil's Amazon Rain Forest comprises a vast area and contains an abundance of plant and animal life. It is a natural resource of unparalleled value. The Amazon is also a major factor in global climate change.

The new President of Brazil has made environmental conservation one of his administration's highest priorities, appointing an internationally known environmentalist to oversee the environmental ministry.

Mr. Speaker, House Joint Resolution 431 calls on the United States to support and cooperate with Brazil in its efforts to protect the Amazon. By explicitly recognizing Brazilian sovereignty over the area, and calling attention to our own pollution problems, the resolution is a constructive step to respond positively to Brazil's needs, and to enhance United States-Brazilian relations.

The Foreign Affairs Committee unanimously passed the resolution after adopting some technical amendments.

Mr. Speaker, I urge our colleagues to strongly support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution to encourage and support greater efforts to preserve the Amazon rain forests.

It has become increasingly clear in recent years that the living resources of the Amazon basin have unique value. It is also clear, unfortunately, that they are under extraordinary threat from human activities.

I commend the sponsor, Mr WOLF, for crafting this resolution. Aside from its statements of concern, what is striking about this resolution is its sensitivity to the concerns of Brazil concerning its sovereignty over this area, and the recognition that Brazil is not alone in having major environmental problems.

I also wish to commend Chairman FASCELL for calling up this resolution and the primary subcommittee of jurisdiction, the Subcommittee on Human Rights and International Organizations under the able leadership of the gentleman from Pennsylvania, [Mr. YATRON] and the gentleman from Nebraska, [Mr. BEREUTER], for giving it their full consideration.

As this resolution states, the United States should develop further policies to assist Brazil to protect its precious natural heritage in the Amazon. I am sure that the Committee on Foreign Affairs as well as other committees will be considering legislation in the future that will address various aspects of this problem.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska, [Mr. BEREUTER].

□ 1420

Mr. BEREUTER. Mr. Speaker, I would like to begin this legislation, this series of four bills or resolutions, by commending the chairman of the Subcommittee on Human Rights and International Organizations, the distinguished gentleman from Pennsylvania [Mr. YATRON] for his effort and his initiative in bringing this legislation to the floor, as well as the ranking Republican on the full committee, the distinguished gentleman from Michigan [Mr. BROOMFIELD] and the chairman of the full committee, the distinguished gentleman from Florida [Mr. FASCELL]. In all four instances, this legislation is advancing because of their effort.

On House Joint Resolution 431 I would say, first of all, that everyone in this body is aware of the critical importance of the Amazon rain forest, yet it is our colleague, the gentleman from Virginia [Mr. WOLF] who has taken the initiative to advance this legislation, and he deserves to be commended for that effort. It is one of the world's greatest natural resources containing 30 percent of the world's tropical forests and 18 percent of the world's fresh water reserves. The continued loss of this natural asset would result in the acceleration of the greenhouse effect, as well as threatening the survival of large numbers of plant and animal species that are endemic or native to the tropical forest.

Mr. Speaker, this resolution recognizes the effort made by the Government of Brazil to preserve their tropical forests and urges the United States to support those efforts whenever possible. It recognizes Brazil's sovereign authority over the Amazon and makes it clear that this is not an attempt to exert foreign control over matters that rightly belong to the Brazilian people. Nevertheless, it expresses our concern. I would note, of course, that this resolution, in the careful way it is drafted, is a very important point in Brazilian-American relations.

In short, it is a useful, balanced resolution, and, again, this Member would like to commend the distinguished gentleman from Virginia [Mr. WOLF] for bringing this issue to our attention.

As an additional note, Mr. Speaker, that while we in the United States have appropriately devoted a great deal of attention to the Brazilian rain forest, we have paid much less attention to our own very limited rain forests in Hawaii and Puerto Rico. A full 75 percent of the Hawaiian tropical forests have been destroyed and 96 percent of the Puerto Rican rain forests have been lost. While it is appropriate to encourage Brazil in every way possible, those in this body who serve on committees with environmental jurisdiction should not ignore the very scarce and precious assets remaining in the United States.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Kansas [Mrs. MEYERS], a member of the Committee on Foreign Affairs.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of House Joint Resolution 431. The Amazon River basin and forest is one of the Earth's greatest natural resources. Its 600 million acres include 30 percent of the entire planet's tropical forest, and 18 percent of its fresh river water. The Amazon is also the habitat of almost one-third of all the species fo life on Earth, including more types of primates and flowering plants than are in any other nation.

The lush plant life of the Amazon forest is responsible for removing millions of tons of carbon dioxide from the atmosphere and replacing it with oxygen. Some have called the Amazon the lungs of the planet. The further degradation of the Amazon would increase the concentration of carbon dioxide in our atmosphere and exacerbate the greenhouse effect. Protecting the Amazon from degradation in the interest of everyone.

Yet this resolution also rightfully recognizes Brazil's sovereign authority over the Amazon. The worst thing that could be done in the interest in protecting the Amazon's environmental integrity is to try to impose some sort of international or external authority over the forest and river basin. The Government and people of Brazil would never stand for that, any more than the American people would accept international jurisdiction over the Mississippi. Environmental concern over this vital global resource cannot be seen as imperialism.

The Government of Brazil recognizes the importance of the Amazon. The United States should encourage and support Brazilian conservation efforts to protect the Amazon forest with technical assistance, and international financing incentives. We should especially work to eliminate incentives for unsound and environmentally dangerous practices that may be maintained by international development banks to which the United States be-

longs. This must be a Brazilian task, but America must be willing to help.

I would like to commend the gentleman from Virginia for introducing this vital resolution, and the Foreign Affairs Committee, especially the gentlemen from Pennsylvania [Mr. YATRON], and Nebraska [Mr. BEREUTER] for bringing it to the floor of the House. I urge my colleagues to support House Joint Resolution 431.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I want to commend the sponsor of this measure, the gentleman from Virginia [Mr. WOLF] and the chairman of the House Foreign Affairs Subcommittee on Human Rights, the gentleman from Pennsylvania [Mr. YATRON] for bringing this measure to the floor at this time. I am a cosponsor along with the subcommittee's ranking minority member, the gentleman from Nebraska [Mr. BEREUTER].

Mr. Speaker, this is an important issue. The issue of rain forests and the issue of global warming are all interrelated. It is important that we recognize the sovereignty of Brazil as we consider what steps should be taken, but I would hope that the Government of Brazil would recongize the extreme importance of this measure in trying to deter the effect of eliminating our rain forests on global warming.

House Joint Resolution 431 recognizes the uniqueness of the Amazon forests' ecosystem, biological diversity and impact on the world's environment. However, perhaps even more importantly, the resolution also recognizes Brazil's sovereign authority in the Amazon and states that the United States should increase its efforts to address environmental problems within our own borders.

As William Nitze, U.S. Deputy Assistant Secretary of State, said:

> It is clear that global climate change is inherently an international issue that transcends national boundaries and can be addressed effectively only through international cooperation. Action by the United States or any country alone will not be effective.

Despite the worldwide concern for the devastating consequences of environmental degradation and the opinion of the international scientific community that a warming of the Earth's atmosphere represents a threat of the severest magnitude, the global community has only recently begun to seriously address the threat posed by the destruction of our world's forests.

In order to fully accomplish our goals, we must positively state our intent, both unilaterally and collectively, toward developing solutions to the environmental problems facing our world today.

This resolution states both our support for Brazil's initiatives with respect to the Amazon as well as reiterating the intent of the United States to continue with initiatives to protect the environment. Accordingly, I invite and urge my colleagues to support the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF], the sponsor of this resolution.

Mr. WOLF. Mr. Speaker, I would first like to thank the House Foreign Affairs Committee for its consideration of this important foreign policy resolution. In particular, I would like to thank Chairman DANTE FASCELL and Vice Chairman BILL BROOMFIELD for their support and cosponsorship of House Joint Resolution 431.

I also would like to acknowledge Chairman GUS YATRON and Vice Chairman DOUG BEREUTER of the Human Rights Subcommittee for their support and for taking the lead on committee action for this resolution.

House Joint Resolution 431 is a foreign policy resolution which places the Congress firmly on record in support of conservation efforts in the Brazilian Amazon, a 2.7-million square mile river and forest area representing nearly one-third of all the world's tropical forest.

This resolution is an important first step in what should be a concerted effort by the United States Government to seek ways in which to help Brazil, and other countries with significant land areas of tropical rain forest, slow the current, very alarming rate of deforestation.

The destruction of the world's rain forest is occurring at a rate of 54 acres a minute. Every year, we lose a tropical rain forest area the size of Pennsylvania, Ohio, or Virginia. If left unchecked, the current rate of deforestation will result in the complete destruction of all the world's rain forests in the next century.

Many in Congress have long been deeply concerned about the disturbing loss of rain forest that continues to occur. Many of my colleagues already know about the importance of the Amazon region, and that the Amazon rain forest is teeming with life like no other region of the world.

Home to more types of fish than in all European rivers, more bird species than in all the forests of North America, and plant life which has produced startling advances in medical science, the Amazon rain forest has a unique and critical role in the Earth's environmental stability.

The riches of the world's rain forests have many uses. From the cup of coffee you have for breakfast, to anesthesia for medical surgery, rain forests provide many products which enhance our daily lives. The World Resources Institute estimates that about 1,400 plants in tropical forests are believed to offer cures for cancers. A drug from the rain forests' periwinkle plant is now used to treat Hodgkin's disease and childhood leukemia, and the drug we use to treat high blood pressure comes also from the Amazon.

No less an important reason to curb tropical deforestation and protect the world's rain forests, is the catastrophic impact the continued burning of rain forests may have on the Earth's weather patterns, carbon dioxide emission levels, and our oxygen supply.

We in the United States contribute much to the carbon dioxide levels through car emissions, and should look for ways by which we can reduce our own pollution of the Earth. House Joint Resolution 431 recognizes this and states that the United States should redouble our own efforts to reduce our pollution of the global environment.

Foremost, House Joint Resolution 431 is a clear statement of U.S. policy toward the Brazilian Amazon. This policy was first put forth by Senator JOHN CHAFEE of Rhode Island, who led a well-received congressional visit to Brazil and the Amazon rain forest early last year. Upon his return to the United States, Senator CHAFEE introduced Senate Joint Resolution 101, legislation which addresses the tropical deforestation problem while recognizing Brazil's autonomy over the Amazon rain forest.

I introduced House Joint Resolution 431 last November as the companion resolution to Senator CHAFEE's bill. Since then, the resolution has picked up the cosponsorship of 123 of my colleagues in the House, the support of the U.S. State Department, and has attracted the endorsement of two leading environmental groups, the World Wildlife Fund and Conservation International.

The new Government and President in Brazil seem to be more sensitive to Brazil's tropical deforestation problems, which are so closely intertwined with their economy. The United States should now look for ways to encourage support for the new government to continue positive conservation initiatives in the Amazon.

It is vitally important that we act soon. The words of Thomas Lovejoy, the Smithsonian Institution's foremost expert on the Amazon rain forest, are ominous: He warns that,

> If the rain forest destruction is allowed to run its course, the Earth will suffer the most devastating blow to life in all our history.

I urge all my colleagues to lend your support to House Joint Resolution 431 and help Brazil meet the truly global challenge of tropical deforestation.

□ 1430

Mr. Speaker, I urge support for this joint resolution, and again I want to thank the gentleman from Florida [Mr. FASCELL], chairman of the full committee, the subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], the ranking member of the full committee, the gentleman from Michigan [Mr. BROOMFIELD], and, of course, the gentleman from Nebraska [Mr. BEREUTER] and the staff for their quick movement on this legislation. Otherwise this bill could have languished until well into the next Congress.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Joint Resolution 431 encouraging support for Brazilian conservation efforts to protect the Amazon forest.

I want to commend Congressman WOLF for his initiative on this important environmental issue. There is great concern over the loss of the valuable tropical rain forests of the Amazon and for the impact of their destruction on Brazil's ecological balance and for the world's changing climate.

The President of Brazil Fernando Collor is to be commended for his strong efforts to promote conservation of the Amazon forest resources. All of us who wish to see him succeed in his goal to preserve Brazil's fragile ecosystem applaud and support his efforts. They have significance not only for Brazil but for the rest of the world as well.

I urge prompt passage of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and pass the joint resolution, House Joint Resolution 431, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## SENSE OF CONGRESS REGARDING LINKAGE BETWEEN THE ENVIRONMENT AND NATIONAL SECURITY

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 248) expressing the sense of the Congress with respect to the linkage between environment and national security, as amended.

The Clerk read as follows:

H. CON. RES. 248

Whereas accelerating loss of forests, the spreading of deserts, the degradation of rivers and streams, the ruination of farmland, the increase of pollution, spiralling population growth and a host of other environmental stresses on the natural resource base are important factors which affect national security and global stability;

Whereas some experts estimate that 35 percent of the world's farmland is headed toward an unproductive condition as a result of erosion, salinization, deforestation, pollution, waterlogging, and desertification;

Whereas 1988 world grain consumption exceeded production by 152 million tons, chronic food shortages are plaguing many countries, and entire continents have experienced declines in per capita food production;

Whereas scientific forecasts of global warming from fossil fuel combustion and deforestation warn that major food shortages may result from such climate change and may place severe hardships on many countries;

Whereas the Congress is concerned that the combination of these factors will undermine initiatives to establish healthy, sustainable economies, will contribute to increasing political instability, and will constitute a major threat to national security and global peace;

Whereas unbridled consumption—and the resulting waste—in developed nations is a chief source of environmental degradation, and Third World countries continue to damage the environment through industrial pollutants, radical deforestation, or unlimited exploitation of nonrenewable resources;

Whereas destruction of the national resource base leads to displacement of local populations formerly dependent on these resources and increases the number of environmental refugees, which can be a significant source of conflict and tension as these people desperately seek new land in other parts of their own country or in other countries;

Whereas reckless exploitation of natural resources can rapidly drain a nation's wealth and create conditions of instability; and

Whereas the geopolitical landscape can change quickly and dramatically due to the political instability resulting from hunger and deprivation brought on by environmental problems: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the Secretary of State and the Administrator of the Agency for International Development—

(1) should give increasing attention to the linkage between environment and national security; and

(2) should focus a significant portion of United States foreign assistance on environmental restoration, reforestation, pollution control, family planning improvements in the efficiency of energy use, and rehabilitation of degraded ecosystems in order to—

(A) provide the basis for healthy, sustainable economies, and

(B) reduce serious tensions and political unrest stemming from deteriorating environmental conditions.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Concurrent Resolution 248 and want to commend my good friend from New York Mr. GILMAN, for this critical initiative. He has been one of the foremost leaders of the Foreign Affairs Committee and the House of Representatives on global environmental problems. Let me also commend Mr. BEREUTER, ranking member of the Subcommittee on Human Rights and International Organizations for all his hard work on international environmental issues. I would also like to commend the chairman of the Foreign Affairs Committee, Congressman FASCELL, and the ranking Republican member of the committee, Congressman BROOMFIELD, for the expeditious manner in which they moved this legislation to the floor.

The resolution calls on the State Department and AID to give increasing attention to the link between environment and national security and to ensure a significant portion of U.S. foreign assistance be focused on environmental problems.

The pollution of our land, waters and atmosphere, the destruction of wildlife, the expansion of deserts, and the cutting of forests have undermined sustainable economic growth, and created conditions contributing to political instability around the world. National security and global peace are seriously threatened by the continuation of environmental problems.

Mr. Speaker, House Concurrent Resolution 248 is an important step in addressing this issue. The Foreign Affairs Committee passed House Concurrent Resolution 248, as amended without dissent.

I ask my colleagues for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution, which is intended to highlight the linkage between the international environment and national security.

It is clear that environmental problems can cause severe social and economic dislocations. If left unchecked, these problems can actually pose threats to international peace and security.

I commend the principal sponsor, Mr. GILMAN, for putting forward this useful resolution. I also wish to thank Chairman FASCELL for considering it in committee and Congressmen YATRON and BEREUTER for working on it in subcommittee.

To me, what is important about this resolution is that it recognizes that the causes of international environmental problems are not confined to the poorer countries. Industrial and other activities everywhere create environmental problems, but the developing countries may feel them most acutely.

We must respond to the sources of environmental destruction before the point is reached where they actually threaten security and peace. Not only this, but it is also our moral duty to respond to the extent possible to pressing human needs and the destruction of the natural world. It is entirely appropriate, therefore, that the resolution calls upon the Secretary of State and the Administrator of the Agency for International Development to increase the priority accorded to these issues.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding at this time to me.

Mr. Speaker, House Concurrent Resolution 248 states that the Secretary of State and the Administrator of Agency for International Development should give increasing attention to the linkage between environment and national security, and should focus a significant portion of U.S. foreign assistance to countries suffering from political unrest stemming from deteriorating environmental conditions.

The deepening and widening global hunger and environmental crises presents a threat to national security—and even survival—that may be greater than well-armed, ill disposed neighbors and unfriendly alliances. Already in parts of Eastern Europe, Latin America, Asia, the Middle East, and Africa, hunger and environmental decline is becoming a source of political unrest and international tension. The recent destruction of much of Africa's dry land agricultural production was more severe than if an invading army had pursued a scorched-earth policy.

Presently our Government tends to base its approach to security on traditional definitions. And arms production—in all parts of the world—preempts resources that might be used more productively to diminish the security threats created by hunger and environmental degradation and the resentments that are refuelled by widespread poverty.

Mr. Sepaker, for these reasons, I introduced House Concurrent Resolution 248 and I write and urge my colleagues to support the bill and I thank the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL] and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], the distinguished subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], and the subcommittee's ranking minority member, the gentleman from Nebraska [Mr. BEREUTER] for their kind support in bringing this measure to the floor at this time.

□ 1440

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, in recent weeks a respected Member of the other body, the senior Senator from Georgia, has attracted considerable attention by appropriately suggesting that the Department of Defense has a natural role in the preservation of the environment, and that the environment is a matter of national security. This Member would simply note that the gentleman from New York [Mr. GILMAN] reached that same conclusion some months earlier, and that House Concurrent Resolution 248 is a testament to his foresight. I'm pleased to be a cosponsor of another excellent Gilman initiative.

House Concurrent Resolution 248 is a recognition that patterns of unconstrained consumption and waste must change, and that continued destruction of natural resources can threaten the survival of nations. There is no way that any nation can maintain healthy, sustained development if their nonrenewable resources are plundered. When nations opt for the quick economic fix through indiscriminate mining or harvesting of forests, future generations must pay. Long-term political stability and sustainable growth can best be secured through careful management and utilization of a nation's natural resources.

The resolution before this body today urges the Agency for International Development to pay close attention to environmental matters, and to assist in matters such as reforestation, pollution control, and rehabilitation of degraded ecosystems. This Member would point out that this resolution is wholly consistent with AID policy. The new AID Director has reaffirmed the Agency's commitment to work with developing nations to preserve their natural resources. It is AID's policy to assist in ways that are environmentally sound, and to ensure that development programs do not undermine the natural resource base.

Mr. Speaker, the Member would only add that the State Department fully supports House Concurrent Resolution 248, and that it was approved unanimously by the Committee on Foreign Affairs. This Member would urge approval of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 248, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## REGARDING CONVENTION ON RIGHTS OF THE CHILD

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 312) urging the President to submit the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

The Clerk read as follows:

H. RES. 312

Whereas the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

Whereas the Congress has long recognized the vulnerability of children and has enacted numerous laws that afford them special protections in this country;

Whereas similar protections for children are either totally lacking or inadequately enforced in much of the world;

Whereas, in part as a result of this lack of protection, millions of children are threatened daily by poverty, malnutrition, homelessness, exploitation, and abuse, depriving both family and society of their productivity and potential;

Whereas the child survival and development revolution launched in 1982 to attack the root causes if infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

Whereas despite these gains and an emerging international consensus about the importance of protecting children, children both in the United States and abroad will continue to face poverty, sickness, and ill-treatment;

Whereas on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the Convention on the Rights of the Child and urged national governments to ratify the convention and make possible its application as international law;

Whereas the Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

Whereas the United States Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of the Convention; and

Whereas the United States must continue playing a leading role in the implementation of the Convention to ensure that it becomes a force for improving the lot of children, both in this country and abroad: Now, therefore, be it

*Resolved,* That it is the sense of the House of Representatives that—

(1) the issue of children's rights and their well-being is important both to the United States and the world at large; and

(2) the President should, therefore, promptly seek the advice and consent of the Senate to ratification of the Convention on the Rights of the Child, adopted by the United Nations General Assembly with the support of the United States on November 20, 1989.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in January, Congressmen BEREUTER, OWENS, SMITH of New Jersey and I introduced House Resolution 312 which urges the President to submit the Convention of the Rights of the Child to the Senate for its advice and consent. I want to commend Congressman BEREUTER for his outstanding leadership on this important initiative. I also want to commend the chairman of the Foreign Affairs Committee, Congressman FASCELL, and the ranking Republican Member on the Committee, Congressman BROOMFIELD, for the important role they played in facilitating the passage of this legislation.

After a 10-year long drafting process, the U.N. General Assembly, last November, unanimously adopted a comprehensive convention designed to promote the Human Rights and Welfare of the World's Children. This Convention requires governments to take legal steps to safeguard the rights of children, guarantee their aceess to primary education, and protect children from child labor. The Convention stresses the importance of pre and post-natal care and promotes the welfare of children in other areas such as adoptions and the treatment of orphans.

At this point, the Convention is in the interagency process and the President has not formally taken a position on submitting it to the Senate for ratification. This resolution encourages the administration to fully endorse the Convention. The resolution sends a powerful message to the international community that the American people support a comprehensive set of world standards to protect the rights of children.

At the end of September, the United Nations is convening a World Summit on Children. At this point at least 15 heads of state have indicated their desire to participate in this summit including President Bush. The passage of this resolution prior to the summit would be consistent with the leadership role the United States has traditionally taken regarding child survival.

Mr. Speaker, UNICEF is a major supporter of the Convention and the upcoming summit. That organization, which this committee has strongly supported for years, has played a crucial role in reducing the mortality rate of children worldwide. In 1982, 45,000 children died every day of preventable diseases. That figure is now 38,000 a day. While the international community's efforts have been successful, the current mortality rate suggests that we must do much more. This resolution will heighten international awareness of the plight of the world's children an I urge its passage.

Mr. Speaker, children have not been exempted from the current turmoil in the Persian Gulf and Saddam Hussein's ruthless aggression in Kuwait.

Last week I met with the President for the Citizens for a Free Kuwait, Hassan A. Al-Elberaheem, who provided me with information about the Iraqi Army's abuses against Kuwaiti children.

At this point in the RECORD, I would like to insert a statement from the Citizens for a Free Kuwait which documents violations of human rights against these children.

The enactment of the Convention of the Rights of the Child would add further to the body of international law which Saddam Hussein is violating and by highlighting the abuses against these children it will serve to further isolate the Iraqi Government in the eyes of the international community.

CITIZENS FOR A FREE KUWAIT,
*September 14, 1990.*

Hon. GUS YATRON,
*House of Representatives,*
*Washington, DC.*

MY DEAR MR. YATRON: I want to express my deepest gratitude for your concern for the children suffering in Kuwait as a result of the brutal aggression of Saddam Hussein. As the founder of the Arab Human Rights Organization and Chairman of the Board of the Kuwait Society for the Advancement of Arab Children, I have special interest in the treatment of these children.

Nothing points to the ruthlessness of Saddam Hussein more poignantly than his unmerciful misuse of the very young. His manipulation of political opponents through the abuse of their children is, sadly, a well documented fact.

The heartless acts of cruelty against children are simply beyond explanation or comprehension. We recently have learned that the Iraqi leader has ordered that maternity hospital incubators, used for treating premature babies, be turned off allowing these infants to die of exposure. We also have heard news accounts of Kuwaiti children suffering because of a lack of basic food necessities including infant formula. It is a virtual certainty that children in Kuwait are suffering most severely.

In addition, we have confirmed reports that children, especially girls, have been arrested and taken to Baghdad, only to show up days later in a state of severe psychological trauma refusing any attempt at communication. We can only speculate on the repulsive physical and mental abuse imposed upon these children. Reports about forced recruitment of adolescent Kuwaiti boys into the Iraqi army also are surfacing. Upon recruitment, we can be certain they are sent to Baghdad for "education."

The experiences of thousands of Kuwaiti children separated from their families, though less physically traumatic, must be devastating mentally. Tens of thousands of Kuwaiti families are now separated. The terror of these children having to face survival in a world totally foreign and unfamiliar is unimaginable.

Children of all nationalities are victims of this senseless aggression. Egyptian, Syrian, Asian, Sri Lankan, Western and other children also have been severed from family ties.

Despite the promises by Saddam Hussein that children would be allowed to return to school, no schools have opened anywhere in Kuwait.

The constant harassment of Kurdish children by Iraq is further evidence of Saddam Hussein's high disregard for a child's life. Kurdish children are routinely arrested, tortured, and executed as a method of repressing the political opposition of their parents.

The Iraqi dictator's willingness and proclivity to violate the basic rights of innocent young victims is undeniable. The world must not stand idly by as Saddam Hussein

commits such heinous crimes against children.

I urge you and the Congress to take positive steps to condemn in the strongest possible terms Saddam Hussein's ruthless acts of abuse and violations of the human rights of the key to the future of a Free Kuwait, our children.

Sincerely,

HASSAN A. AL-EBRAHEEM,
*President, Citizens for a Free Kuwait.*

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the children of the world carry our hope for the future on their shoulders, yet they are the most vulnerable among us. Due to the lack of protection for children's rights, millions of children "are threatened daily by poverty, malnutrition, homelessness, exploitation, and abuse depriving both family and society of their productivity and potential," as the resolution before us states.

That's why the Convention on the Rights of the Children is so important. The Convention represents a notable step forward in the promotion and protection of children's rights.

Among other issues, the Convention speaks to the importance of family reunification and the need to prevent physical and mental abuse. It addresses the importance of adoption and the need to provide legal safeguards to protect children in the process. The Convention also stresses children's rights to freedom of thought, conscience, and religion, and the rights of disabled children to a full and decent life.

It took 10 years of long negotiations and hard-fought compromises to develop this Convention. It is not a perfect document, but it is a firm start that should be taken for the sake of the world's children.

I wish to commend our chairman, Congressman FASCELL, as well as Congressman YATRON and BEREUTER for their important leadership in bringing House Resolution 312 to the floor for consideration. I also wish to congratulate Congressman CHRIS SMITH of New Jersey for his hard work on behalf of this resolution. Congressman SMITH served this past year on the U.S. Alternate Representative to the U.N. General Assembly and gave the principal U.S. speech in support of the Convention.

Mr. Speaker, House Resolution 312 urges the President to promptly seek the Senate's advice and consent to the ratification of the Convention on the Rights of the Child. I fully agree with this sentiment, and I urge our colleagues to support this resolution.

□ 1450

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], a member of the Foreign Affairs Committee.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 312 legislation regarding the Convention on the Rights of the Child. On November 20, 1989, the Convention on the Rights of the Child was unanimously adopted by the General Assembly of the United Nations.

The World Summit on Children will take place at the United Nations in New York at the end of this month. To date, 26 countries have ratified or acceded to the Convention on the Rights of the Child. The Convention will take effect in those countries on September 2, 1990. Nations ratifying the Convention accept the document as legally binding. Regrettably, the United States is not one of them.

In considering this legislation, I ask my colleagues to consider the following selected international statistics on children:

SELECTED INTERNATIONAL STATISTICS ON CHILDREN

DEATH

40,000 children die each day from disease and preventable causes. (UNICEF), 15 million children under the age of 5 die each year. (UNICEF).

In just one day:

1,400 children die from whooping cough;

4,000 children die from the measles;

4,300 children die from tetanus;

11,000 children die from diarrhea; and

6,000 children die from pneumonia (UNICEF).

STREET CHILDREN

An estimated 100 million children live and work on the streets of the world's cities.

In the Philippines alone, 12 million children live and work on the city streets.

In Brazil, 7 million children live on the streets and another 17 million work on the streets, (statistics provided by Childhope Foundation).

EDUCATION

One-third of all children in the developing world are forced to drop out of school by age 10 to help with the family income. (UNICEF).

Nearly 100 million children of primary school age are not taking part in any education programs. (UNICEF).

EXPLOITATION

At least 100 million children are forced to work under hazardous and often fatal conditions for meager wages. (Defense for Children International).

In Thailand, there are as many as 40,000 prostitutes under the age of 14.

REFUGEES

Almost 70% of the worldwide refugee population are children (10 million). (Defense for Children International).

MALNUTRITION

Fifty percent of the children in the developing world do not have access to clean drinking water. (UNICEF).

Forty percent of children under the age of 5 suffer from malnutrition. (UNICEF).

In response to these concerns, House Resolution 312 resolves that it is the sense of the House of Representatives that:

The issue of children's rights and well-being is important to both the United States and the world; and

The President should promptly submit the Convention on Rights of the Child to the Senate for its advice and consent.

Accordingly, I invite and urge my colleagues to support the resolution and I commend the distinguished Chairman of our House Foreign Affairs, the gentleman from Florida [Mr. FASCELL], the committee's ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], the distinguished subcommittee chairman, the gentleman from Pennsylvania [Mr. YATRON], the subcommittee's ranking minority member, the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from New Jersey [Mr. SMITH] for their efforts in bringing this bill to the floor at this time.

Mr. BROOMFIELD. Mr. Speaker, I yield 5½ minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, the resolution before us calls upon the President to submit the U.N. Convention on the Rights of the Child for ratification. The preamble to the Convention, as passed by the United Nations last November, is a marvelous expression of many of our deepest held beliefs about the dignity of the child, and indeed, all humanity.

But now, we must focus on what this Convention will mean when applied to American children. Will the Convention really solve the problems our children face? Is it merely an article of good intentions to make us feel good about ourselves? Or, is it actually a potential threat to some of our most precious freedoms, civil liberties, and our form of government?

What are we saying by adopting House Resolution 312? We are saying that we agree with the entirety of the Convention and desire that it become the law to be enforced throughout the United States. I submit that few Members understand what the Convention contains. I submit that this House has not taken the time to reflect upon the implications of the Convention and will be in for a tremendous shock when judges around the country start applying the Convention as the supreme law of the land.

Have we determined the impact that this Convention will have on our system of federalism? No. Have we resolved in our minds its inherent conflicts with the U.S. Constitution? I think not. Do we realize the great new powers Congress is taking away from the sovereign States, as well as giving up itself, to the judiciary? Who can ex-

plain to me the meaning of article 24 section 3 which provides that:

States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

Here is a new standard for us to ponder: Something need not be hazardous or even pose a risk—it need be only prejudicial to be abolished by government. Who will define what is prejudicial as this Convention takes effect?

Compare article 15 of the Convention with the first amendment to the U.S. Constitution. Article 15, section 1 provides that "State Parties recognize the rights of the child to freedom of association and to peaceful assembly." Of course, no one objects to this because it is so close to our own first amendment. But section 2 goes on to provide that:

No restrictions may be placed on the exercise of these rights other than those * * * which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

This article is an open invitation to discriminate against any minority group you can think of.

This raises the critical difference between our Constitution and nearly any other. Our Constitution is a limitation on government. It is designed to protect the rights of the minority. I believe, and I would argue that Jefferson, Madison, and Mason would argue that the rights mentioned by the Convention are among our children's inalienable rights. However, this Convention is based on an underlying premise that rights come from the Government. Article 15 is really saying that only Government can endow us with these rights, and that whatever Government grants, it can also take away.

How many of us understand what article 14 will mean to our citizens? Who is ready to defend to this body the ramifications of the power of the Government to restrict freedom of religion if "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others?" Let me tell my colleagues that there were no hearings on this resolution. So you have only a very few minutes to check with the various religious and civil liberties organizations to see how they feel about this language.

Judiciary needs to consider the vast constitutional implications of ratification. Energy and Commerce, Education and Labor, Agriculture, and Ways and Means must consider what it would mean to establish and enforce "universal legal standards for the care and protection of children against neglect, exploitation, and abuse." Is Government child care necessary to ensure that there are universal standards for the care of children? Or perhaps a judge somewhere might wish to argue that institutionalized child care is itself a form of neglect because children are exposed more frequently to illnesses.

What will it mean to enforce article 28, which makes "primary education compulsory and available free to all?" Will it mean subsidies to private or religious schools when read in conformance with article 29? Or could it mean the end to all private education?

This resolution should not be taken lightly. It was reported out of Foreign Affairs only last Thursday. As I just mentioned, there were no hearings, in the full committee. But now, as it faces possible domestic implementation, the Convention needs study and careful consideration, and I strongly urge this House to do so.

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

In responding to my good friend, the distinguished gentleman from Virginia [Mr. BLILEY] I would like to say that assuming the President submits the Convention to the Senate for ratification, it is important to note that the ratification process allows the Senate to attach reservations to those provisions in which there is U.S. opposition.

If the gentleman's concerns have merit, I would suspect that the ratification process will address the issues he has raised.

Mr. Speaker, also I want to point out it is important to note that successive U.S. administrations were involved from day one in the development of this Convention. President Bush's representative at the United Nations supported the passage of this convention at last year's General Assembly. I doubt very seriously that the Administration would support a Convention which undermined American interests and values.

So, Mr. Speaker, I urge the adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, I want to compliment the gentleman from Pennsylvania for that clarification. I think it is very important.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the great State of Nebraska [Mr. BEREUTER].

□ 1500

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time and the tribute to my home State, the Cornhusker State.

Mr. Speaker, this is a serious matter before us, of course. I think the distinguished chairman of the committee has appropriately just responded to some of the concerns raised by our distinguished colleague and my personal friend, the gentleman from Virginia [Mr. BLILEY].

The United States has voted to support the convention when it was approved by the United Nations last November. House Resolution 312 merely asked the President to follow up on that initial vote of approval by sending the convention to the Senate for consideration.

This Member of Congress regards himself as strongly profamily. This resolution is endorsed by a very large number of Members of the House in one fashion or another including by significant and involved members of the Select Committee on Hunger who certainly fall in the category of being very concerned about children and very concerned as profamily.

Mr. Speaker, my colleague, the gentleman from New Jersey [Mr. SMITH], who will speak soon, certainly falls in that category of being very concerned about family matters and very profamily. We do support this resolution, because we understand that the President will express reservations and submit reservations to the Senate about our possible ratification of this convention. We always do that. Almost every convention that the United States would be asked to act upon we have to have reservations, because we have a federal system, and we may not bind the States in many cases to action. We will have that same kind of reservation, so that we are not usurping the powers of the States.

I certainly do take exception to any suggestion that this will have an impact upon the civil liberties of the people of this country or the form of government that we pursue. Those concerns will, as always is the case, be handled by reservations which are submitted by the President.

The distinguished chairman of the subcommittee has mentioned the prior involvement of a number of administrations in the crafting of the resolution that has been acted upon last November. I also think it is important to mention that the world summit on children will occur in 2 weeks. This has been a matter of particular interest to this Member and other members of the Foreign Affairs and Hunger Subcommittees.

This Member would like very much to urge the President to make every effort to submit the Convention on the Rights of the Child with reservations as appropriate before that summit. If it is impossible for some reason for those reservations to be fully spelled out, then realize it cannot be submitted to the Senate, but I believe that the administration is well prepared to identify the reservations related to our form of government, our civil liberties, and our right to practice religion, to mention only several of the items that were raised.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, House Resolution 312 is an important and timely resolution and this Member is pleased to have worked with the distinguished chairman of the Subcommittee on Human Rights and International Organizations, the gentleman from Pennsylvania [Mr. YATRON], the gentleman from New Jersey [Mr. SMITH], and the gentleman from Utah [Mr. OWENS], as well as various members of the Hunger Committee, to bring it before the committee.

Much has been done in recent years to root out the sources of infant and child mortality. It has been both a national and an international priority. As a result of child immunization and oral rehydration therapy, as many as 3,000,000 lives are saved each year. Major international 3,000,000 lives are saved each year. Major international efforts, including the U.S. Food for Peace Program, have sought to alleviate malnutrition as a killer of the world's young.

The United States can justifiably be proud of our efforts on child survival. But global efforts fall short of protecting children against neglect, exploitation, and abuse. The Convention on the Rights of the Child seeks to fill this gap. The convention establishes a coherent body of law that sets minimum standards to ensure healthy development of children. It highlights the importance of prenatal and postnatal care, as well as the importance of at lease a primary education. The convention establishes protections against sexual exploitation and child labor exploitation. It also establishes procedures in matters of adoption and care for orphans. In short, the convention sets minimum levels of decency and humanity when dealing with the world's children.

Mr. Speaker, the United States voted to support the convention when it was approved by the United Nations last November. House Resolution 312 merely asks the President to followup that initial vote of approval by sending the convention to the Senate for consideration. And, to the extent that the administration has problems with specific provisions of the convention, it should and certainly will submit its reservations at the same time that it sends the convention to the Senate.

As a final note, the World Summit on Children will occur in 2 weeks. This has been a matter of particular interest to this member, and I have attempted to work closely with the State Department to ensure that the United States is properly represented and prepared with appropriate initiatives at this important meeting. This member is particularly pleased, therefore, that it is expected that President Bush and Secretary Baker will both be in attendance at the summit. Also, this Member would urge that the President make every effort to summit the Convention on the Rights of the Child with such reservations as appropriate, before that summit. The summit could and should provide the impetus for the ratification of the convention.

Mr. Speaker, I would urge adoption of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of this resolution.

Throughout our history, Congress and our State legislatures have recognized the special vulnerability of children and their need for protection. It is time for the United States to carefully consider this convention and to encourage the rest of the world to implement its provisions.

Implementation of the provisions of the U.N. convention will give children the most important gift possible, a childhood. Children should not be treated as miniature adults. They should not have to fight adult wars. Their special status should be protected, so that they can learn the skills and develop the talents necessary to live full adult lives and fulfill their potential. I commend Messrs. YATRON, BEREUTER, OWENS, and SMITH for drafting this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], who will be my final speaker.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of House Resolution 312 introduced by my good friends, the gentleman from Pennsylvania [Mr. YATRON], my chairman, and the ranking member, the gentleman from Nebraska [Mr. BEREUTER], both internationally known advocates for human rights and for children, whether it be child-survival initiatives or adoption or refugees; they have always been out in front on children's issues, and I want to commend them for that.

The resolution asks the President, Mr. Speaker, to submit the Convention on the Rights of the Child to the Senate for its advice and consent to ratification. I am very proud to be an original sponsor of this measure.

Mr. Speaker, on November 20 of last year, the U.N. General Assembly adopted the Convention on the Rights of the Child, and the United States voted in favor of this international convention. On November 10, I had the privilege of presenting, as U.S. delegate to the U.S. mission to the U.N. General Assembly, the U.S. position on the convention during the debate in New York. Both before, and now subsequent to that vote, the administration has been, and I want to commend them for this, meticulously and judiciously considering the legal effects of the ratification of the convention. There are some concerns that have been raised, very thoughtful concerns that need and must be addressed in any package of reservations and understandings.

Generally speaking, questions of Federal and State sovereignty permeate most of the provisions of the convention. It is my understanding that the administration is compiling an appropriate package of reservations and understandings which will hopefully allay the fears of some of the Members including my good friend, the gentleman from Virginia [Mr. BLILEY] as he raised today. Hopefully this will speed ratification of the convention through the Senate.

Indeed, the Senate has a clear constitutional responsibility to clarify to make sure that the provisions of the convention do not in any way threaten the rights and protections enjoyed by American citizens, and in this particular case, those rights of children.

Mr. Speaker, as declared in the official United States statement on the convention, I would like to quote:

> The United States fully supports the inclusion within the preamble of the convention language from the 1959 Declaration of the Rights of the Child confirming that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."
>
> Children—born and unborn—are precious and extremely vulnerable. Governments have a duty and sacred obligation to protect these children to the maximum extent possible.

The U.S. position goes on to say,

> Birth is an event which happens to each of us. The most tender, formative 9 months prior to this great event will forecast the healthiness of the child after birth. One of the most positive protections for a healthy childhood—after life itself—is proper prenatal care.

Mr. Speaker, the statement goes on to point out and to emphasize the importance of family unification, the issue of abuse and neglect, the issue of adoption, particularly international adoptions, disabled children and the fact that so many children who are born disabled in many of the developing countries very often not only have very difficult lives but very often during the course of their teenage years lose their lives themselves.

Mr. Speaker, we all acknowledge that this convention is not a perfect document, but I would suggest to the Members that it is a solid foundation on which the entire gamut of protections can be structured within the legal framework of each country of the world.

Mr. Speaker, our children, in my view, are our greatest hope, among our generation. They deserve our protection. They deserve our loving care and the opportunity to achieve their best with their talents.

The adoption of the Convention on the Rights of the Child will serve, in my view, as a starting point, a launching pad for improving the status and the situation of all children, of all nationalities, of all creeds and of all social status.

Mr. Speaker, I ask Members to support this resolution.

Ms. SCHNEIDER. Mr. Speaker, I rise today in strong support of House Resolution 312. This resolution expresses the sense of the House of Representatives that the President should submit the United Nations Convention

the Rights of the Child for ratification by the Senate.

This is a historic document which for the first time guarantees children their basic needs, protections and freedoms in one binding instrument. I have consistently urged my colleagues and the administration to endorse this convention which establishes universal legal standards of care for children.

On November 16, I was joined by 40 of my colleagues in writing to President Bush to urge administration support for the convention. I worked closely with my friends at the foster parents plan in Rhode Island to organize this effort.

The value of the U.N. convention on children's rights cannot be underestimated. It will guard children from the dangers of illegal narcotics, child labor, and sexual exploitation while at the same time guaranteeing them access to primary health care services and education.

It has taken 10 years of careful negotiation and compromise among 42 countries and 30 nongovernmental organizations to bring the convention to fruition. It is high time we ratify this convention for the good of the children of the world.

HOUSE OF REPRESENTATIVES,
*Washington, DC, November 16, 1989.*

PRESIDENT GEORGE BUSH,
*The White House,*
*Washington, DC.*

DEAR PRESIDENT BUSH. On November 20, 1989 the United General Assembly is scheduled to vote on the Convention on the Rights of the Child. We are writing to express our support for this international treaty on children and to ask for your endorsement of a positive U.S. vote at the General Assembly.

The Convention on the Rights of the Child is a historic document which for the first time guarantees children their basic needs, protections and freedoms in one binding instrument. The idea of an international treaty for children was first proposed in 1979 as a contribution to the International Year of the Child. It has taken ten years of careful negotiation and compromise among 42 countries and 30 non-governmental organizations to bring the Convention to fruition. This agreement represents the next step in a progression of international children's rights declarations and statements which extend back more than 60 years.

Mr. President, we believe that the potential value of the UN Convention on children's rights—guarding children from the dangers of illegal narcotics, child labor, and sexual exploitation while at the same time guaranteeing them access to primary health care services and education—cannot be underestimated. However, we also believe that the ultimate power and strength of the Convention will depend to a large extent on the position the United States takes toward it now and in the future.

We therefore urge you to do all you can to ensure that the United Nations Convention on the Rights of the Child receives the strong endorsement of your administration when it comes before the General Assembly later this month.

Sincerely,

Donald Pease, George Miller, Claudine Schneider, John Porter, Les AuCoin, John LaFalce, Gary Ackerman, Tim Penny, Michael McNulty, Louise Slaughter, Barney Frank, Tony Hall, James Bilbray, Ben Cardin, Mo Udall, Thomas Downey, Ron Machtley, Christopher Shays, Mike Espy, Edolphus Towns, Richard Neal, James Traficant, Charles Hayes, Jim Slattery, Nancy Pelosi, Wayne Owens, Pat Schroeder, Byron Dorgan, Peter Kostmayer, Robert Matsui, Lane Evans, Richard Durbin, Eliot Engel, Mervyn Dymally, Frank Horton, Thomas Foglietta, William Hughes, Howard Wolpe, Robert Wise, Jaime Fuster, Henry Waxman.

*Members of Congress.*

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 312.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on House Resolution 312, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## REGARDING CONVENTION FOR PROTECTION OF NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC REGION

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 398) urging United States ratification of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, as amended.

The Clerk read as follows:

H. Res. 398

Whereas the Earth's fragile ecological system requires the attentive stewardship of Man;

Whereas water covers three-fourths of the Earth's surface, with the Pacific Ocean containing over half of the total volume;

Whereas the Earth's marine ecosystems are increasingly threatened due to expanding populations and industry and their accompanying residues and wastes;

Whereas Pacific governments adopted a South Pacific Regional Environment Program (hereinafter in the preamble of this resolution referred to as "SPREP") in 1982 at the Rarotonga Conference on the Human Environment, which was formed under the auspices of the United Nations Environmental Program, the United Nations Economic and Social Commission for Asia and the South Pacific, the South Pacific Bureau for Economic Cooperation, and the South Pacific Commission;

Whereas SPREP has two aspects, the Work Program and the Convention, to address Pacific Ocean environmental concerns;

Whereas the United States is supporting the SPREP Work Program budget directed toward marine pollution, pesticide control, natural resources management, environmental education, climate change, and sea level rise;

Whereas the SPREP Convention for the Protection of the Natural Resources and Environment of the South Pacific Region was opened for signature in Noumea, New Caledonia on November 24, 1986, 14 countries having signed the Convention;

Whereas the Convention has two protocols on ocean dumping and spills;

Whereas the first protocol for the Prevention of Pollution of the South Pacific Region by Dumping, regulates the deliberate disposal of wastes at sea in the Convention Area, taking into account that under Article X of the Convention the parties agree not to dump radioactive wastes or other radioactive matter;

Whereas the second protocol, the Protocol Concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, provides a regime for preventing and combating pollution incidents through the mutual sharing of information, preparation of contingency plans, and strengthening of response capabilities; and

Whereas the Convention will enter into force following the deposit of at least 10 instruments of ratification, acceptance, approval or accession, and 10 have already been deposited: Now, therefore be it *Resolved*, That it is the sense of the House of Representatives that—

(1) the President should submit the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, and (as necessary) the related protocols, in appropriate form to Congress;

(2) upon the submission of such Convention and protocols to Congress, the Congress should without delay consider them and consent to ratification in order to permit full participation and cooperation of the United States in the South Pacific Regional Environment Program effort to protect and manage the marine and coastal environment, to combat pollution emergencies, and to prevent dumping; and

(3) the United States should commit a fair share of the resources necessary to support—

(A) the Work Program of the South Pacific Regional Environment Program, and

(B) those activities necessary to implement the provisions of the Convention and its protocols.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michi-

gan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

□ 1510

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Resolution 398, I want to commend Congressman LAGOMARSINO for this vital initiative, and for his leadership on South Pacific environmental issues. Let me also commend Chairman SOLARZ and Congressman BEREUTER for their strong interest in preserving the environment of the Pacific area. Let me also commend Congressman BROOMFIELD, Congressman SMITH of New Jersey, and Chairman FASCELL for their efforts on this issue.

Mr. Speaker, in 1982 Pacific governments adopted the South Pacific Regional Environmental Program. It has two aspects. One is the work program. The second is the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region.

The convention has two extremely important protocols. The first regulates ocean dumping and the other provides a mechanism to address the growing problem of spills.

The deliberate disposal of wastes, including radioactive matter, and other pollution problems, are increasingly threatening the marine and coastal resources of the Pacific which are so critical to the prosperity and stability of the countries in that region. American economic and security interests are also closely tied to the environmental integrity of the Pacific.

The resolution calls on the President to submit the convention and its protocols to the Senate for its advice and consent, and for the Senate to act expeditiously toward ratification. The participation and cooperation of the United States in the convention will be a critical step in protecting the environment of the South Pacific region.

Mr. Speaker, House Resolution 398 is bipartisan, noncontroversial, and was drafted with the cooperation of the administration. It was approved by the Foreign Affairs Committee, as amended. I ask my colleagues for their support of this measure.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from California [Mr. LAGOMARSINO] for his work as the principal sponsor of this resolution in support of the South Pacific Regional Environmental Protection Convention.

As a member of the Subcommittee on Asian and Pacific Affairs and the Interior Subcommittee on Insular Affairs, he will understand the importance for the United States of entering into regional arrangements with the Pacific island states.

I also want to thank Chairman FASCELL for seeing that this matter was expeditiously considered by the Foreign Affairs Committee. In addition, I commend Mr. SOLARZ and the members of the Asia-Pacific Subcommittee for giving it their support.

The United States signed the Convention in 1982, and has cooperated on the work plan for environmental protection developed under the convention. U.S. activities in the South Pacific are also completely consistent with the provisions of the convention and its protocols. It is time the United States ratified this agreement, which will reinforce the image of our country in the South Pacific region.

I understand that the Department of State supports adoption of this resolution. I trust the administration will soon submit the convention to Congress for its approval to ratification.

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

Mr. BEREUTER. Mr. Speaker, I would say preliminarily that this legislation is one more bit of evidence about the outstanding and irreplaceable knowledge and expertise of our colleague, the gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, given the increased awareness of the delicate nature of our environment, it is not surprising that the island nations of the South Pacific would wish to preserve their natural resources. These nations have a right to be concerned. In recent years the South Pacific has been troubled by the dumping of large amounts of hazardous waste at sea, by oilspills, and by destructive fishing practices such as the use of drift nets.

In order to better manage their environment, the South Pacific nations joined together to establish a work comprehensive program, and to draft a Convention on the Protection of Natural Resources and Environment of the South Pacific Region. This convention, adopted in 1986, establishes basic standards of behavior for waste disposal and other environmentally critical matters.

The United States strongly supports the efforts of the South Pacific nations, but has failed to act on the convention. The resolution before us today urges the Senate to provide its advice and consent, and that the United States become a party to this convention.

Mr. Speaker, House Resolution 398 expresses the view that the United States must take an active role in international environmental policy. Environmental degradation affects us all. By joining with the Pacific island nations and becoming a party to the convention, we will be playing a constructive role in the preservation of that very fragile ecosystem.

Mr. Speaker, this Member would recognize the efforts of our two colleagues from the South Pacific region, the gentleman from Guam [Mr. BLAZ] and the gentleman from American Samoa [Mr. FALEOMAVAEGA]. This gentleman would also commend the gentlewoman from Hawaii [Mrs. SAIKI], who has long been a leader in matters affecting the Pacific region. The gentleman from New York [Mr. SOLARZ] and the gentleman from Pennsylania [Mr. YATRON] deserve commendation for allowing speedy subcommittee consideration of this resolution.

Last, but most importantly, Mr. Speaker, this gentleman wishes to recognize the efforts of the gentleman from California [Mr. LAGOMARSINO], the author of this resolution. The gentleman has labored diligently, and has gained a through understanding of the policy issues affecting the South Pacific. He is to be commended for bringing this important and balanced resolution before this body. I am pleased to join as a cosponsor of House Resolution 398, and would urge its speedly adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise to urge my colleagues to join in supporting the passage of House Resolution 398, urging U.S. ratification of the Convention for the Protection of the Natural Resources and Environment of the South Pacific region. The resolution was unanimously approved by the Committee on Foreign Affairs, having been favorably reported by both the Subcommittee on Human Rights and International Organizations and the Subcommittee on Asian and Pacific Affairs. The Convention has two protocols dealing with the ocean dumping of wastes and pollution emergencies. The protocols should help to prevent or avert the damaging consequences of the ecological tragedies of oil spills and hazardous waste pollution in the South Pacific.

The United States has an opportunity to join in an international effort to preserve and protect one of the Earth's greatest resources, the oceans; and specifically the South Pacific ocean region, by approving and supporting the convention and related protocols. The United States should fully participate in developing and implementing the practical mechanisms provided for by the Convention which are needed to protect the marine ecosystem. This can be done most creditably by those parties which have approved the Convention and protocols.

The United States signed the Convention and related protocols in 1986 with 13 other countries. The adminis-

tration is still engaged in the internal executive branch process necessary for ratification. Ten ratifications or accessions are required to bring the convention into force. When I introduced the legislation in May, eight countries had deposited notices of ratification or accession. The total number is now 10 with the ratification by France and Western Samoa. The convention entered into force on August 23, 1990.

It is now imperative for the administration to promptly submit the convention and protocols in appropriate form to the Congress for action. The United States should be fully involved as a ratifying member in all discussions and activities which will now ensue to implement the convention.

I want to acknowledge the support of my colleagues who have joined me in sponsoring this resolution, including the chairman of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, my good friend from New York, STEVE SOLARZ. Chairman SOLARZ recently issued a report of the congressional delegation to the South Pacific which he led, "Problems in Paradise: United States Interests in the South Pacific." One of the report's recommendations for U.S. policy in the region is to ratify SPREP Convention and associated protocols. The recommendation was one of several which will enhance U.S. relations in the Pacific.

I want to thank Chairman FASCELL and ranking Republican, Mr. BROOMFIELD, for their support. I also want to thank Chairman YATRON of the Human Rights and International Organizations Subcommittee for considering and supporting the resolution, and ranking Republican DOUG BEREUTER and CHRIS SMITH of the same subcommittee, as well as ranking Republican JIM LEACH of the Asian and Pacific Affairs Subcommittee, and three Members from the Pacific, BEN BLAZ, ENI FALEOMAVAEGA, and PAT SAIKI, for joining this effort to urge the administration and the Congress to take prompt action to approve the Convention and protocols to protect the fragile and invaluable marine resources and ecosystems of the Pacific.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Resolution 398 which urges ratification by the United States of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region.

The United States initially signed this Convention in 1986, however, the administration has not yet taken necessary steps for ratification. When the Solarz congressional delegation went to the South Pacific, we found strong support among many South Pacific leaders for the convention. This subsequently led to the inclusion in our official codel report of a firm recommendation calling for the ratification of the SPREP Convention and Protocols.

Mr. Speaker, immediate passage of this resolution is now even more significant given the recent decision by the United States Army to destroy chemical weapons at Johnston Island, the reckless nuclear testing by the French Government at Mururoa Atoll, and the ever-increasing use of the Pacific Ocean as a dumping ground for the world's toxic wastes.

In light of these events, passage of this resolution and ultimate ratification of this convention will most certainly demonstrate the leading, international role the United States can play in protecting the South Pacific Ocean, and demonstrate its sensitivity to those issues which are of vital importance to the people of the South Pacific. After all, the United States is also a Pacific country in that five of its Western States and two of its territories border the Pacific Ocean.

Mr. Speaker, the SPREP Convention for the Protection of the Natural Resources and Environment of the South Pacific Region sets forth two key protocols on ocean dumping and oil spills. The first protocol regulates the deliberate disposal of wastes at sea. The second protocol provides a regime for preventing and combating pollution through the mutual sharing of information, preparation of contingency plans and for strengthening our capability to respond. These two key protocols should go a long way toward preventing the tragedies of oil spills and the dumping of hazardous waste in our Pacific Ocean.

As one of the original cosponsors of this piece of legislation, I want to commend and pay special tribute to my good friend and colleague, the gentleman from California [Mr. LAGOMARSINO], for his leadership and foresight as the chief sponsor and author of this bill. I also want to thank Chairman SOLARZ, Congressman DORNAN, Congressman NEAL SMITH, Congressman BEN BLAZ, and Congresswoman PAT SAIKI for their leadership on this bill.

Mr. Speaker, I urge my colleagues to support the passage of this resolution.

□ 1520

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 398, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

## GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Resolution 398, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## FREE MAILING PRIVILEGES FOR MILITARY PERSONNEL

Mr. HAYES of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3033) to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

The Clerk read as follows:

S. 3033

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3401(a)(1)(A) of title 39, United States Code, is amended by inserting "engaged in temporary military operations under arduous circumstances," before "or serving".

The SPEAKER pro tempore. Is a second demanded?

Mr. MYERS of Indiana. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HAYES] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Postal Personnel and Modernization, I rise in strong support of S. 3033 and urge my colleagues to unanimously approve it. This legislation allows military personnel deployed in temporary overseas military operations to mail letters to their loved ones in the United States free of charge.

Members of this body who visited the Persian Gulf during the August recess, report that our service men and women were quite disturbed because they have been unable to obtain the necessary postage that would enable them to communicate with their families.

Granting free mailing privileges is the least we should do to ensure that the morale of our Armed Forces personnel in overseas military operations remains high. Again, I urge my colleagues to support this modest benefit to our troops deployed in Operation Desert Shield and future special military operations.

If cleared by the House, S. 3033 could be on the President's desk for signature today.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is essentially the same language in the bill that the House had before it last Thursday. I do apologize to my colleagues, my chairman, the gentleman from Illinois [Mr. HAYES], for a misunderstanding from this side about what was taking place at that time. I gave the gentleman some information that to the best of my knowledge did exist over here, but I found out later that I did not have the proper information because I had not asked quite the right question.

What happened last Thursday, we had similar legislation. We had an agreement from the Postmaster General that he was already starting to accept mail from the Persian Gulf from our service people with merely a "free" put on the envelope in place of a stamp. He had to withdraw that because we were unable to deliver the legislation; so I do apologize to my colleagues for misrepresenting to them, inadvertently. I certainly did not intend to do that, I just do not do business that way, so I do apologize to my colleagues and to the Postmaster General for our promise to him, our commitment that we would put that legislation through last week so our service people could have started last week, instead of now waiting until probably tomorrow until the President gets this signed; but everyone I think who was here last Friday and knows what the issue is, our service people who are serving a cause in the Middle East and in the Persian Gulf particularly, Desert Shield, are unable in many cases to purchase the stamps for them to correspond back home.

Once they do purchase them, the stamps because of the tremendous heat in the desert, the glue on the stamps is melting and sticking together, but assuming they get the stamp apart, and I am told they affix it on the envelope and the stamp falls off because the glue has already been spent, so they have a real problem there. The least we can do is provide free postage to these young people, paid from the Defense Department.

This is a Senate bill. It is a clean bill. I hope there will not be any misunderstanding here or any commotion, as happened last week. It is very badly needed and certainly deserved by the young people who are serving in the Persian Gulf at a tremendous cost, not only to themselves, their families, but the tremendous heat and the environment they are serving in there. They are serving a cause and we owe it to them to get this passed today. It should have been done last week, so I am sorry to the service people that we did not.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking Republican member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise once again to seek the support of my colleagues for passage of legislation to provide a free mailing privilege to our men and women serving us in the Saudi desert.

S. 3033 is similar to the measure we debated last Thursday, H.R. 5611 and to which a vote on a motion to recommit is pending in the House. This motion contains instructions for our committee to bring H.R. 5611 back to the floor with an amendment authorizing the payment of the postage due portion of the cost of providing this service to be extracted from our franking budget, as contained in the legislative appropriations bill. Existing statutes provide that the Department of Defense shall reimburse the U.S. Postal Service for all expenses, postage due and transportation, that are incurred by the Postal Service in providing this service.

Mr. colleagues this legislation should have been signed into law last week. The Postmaster General, Tony Frank, announced last Wednesday at our committee hearing on this subject that the Postal Service would place these provisions into effect immediately. However, the Department of Defense continues to need this amendment to begin to accept this type of mail from our military personnel in the Persian Gulf.

My colleagues, let us not quibble over how this expense is paid. Let us not delay any longer this important piece of legislation. These dedicated men and women are in that desert, far away from their loved ones and from their homes on our behalf.

We cannot guarantee them they will be back home soon, though we pray they will be. We cannot guarantee that they will not be involved in a hostile action though we pray and hope that they will not be. But we can guarantee them that their correspondence and their ability to stay in contact with their friends and family will be as unfettered as possible.

We can insure that they have the ability to stay in touch with those here in the United States as much as possible. While this will not bring them home any sooner it will, hopefully, ease the burden that both, they over there and we here at home, who care for them, must bear until this difficulty is resolved.

Accordingly, the Mr. Speaker, I urge the adoption of this measure.

I thank the gentleman from Illinois [Mr. HAYES], the distinguished chairman of our Subcommittee on Postal Personnel and Modernization; the gentleman from Indiana [Mr. MYERS], a senior member of that subcommittee; the distinguished chairman of our Post Office and Civil Service Committee, the gentleman from Michigan [Mr. FORD], and the gentleman from Indiana [Mr. MCCLOSKEY], who has been one of the leaders on this measure, along with the gentleman from New York [Mr. HORTON]. I thank them for their support of this measure.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I thank our colleague, the gentleman from New York [Mr. GILMAN] for his remarks, and our chairman.

I will add here that I hope the legislation, the action we are taking today, will be in effect necessary only temporarily. We all hope and pray that the forces can be pulled back very soon, but that depends upon action by someone else.

I do want to make one other statement here. I understand there must be brought forward a vote on the recommital yet today. That would be a moot question once this legislation passes, but should anyone wish to vote for it, I will advise you that for the last 2 years we have been running this House of Representatives from the account for franking where the recommital money would come from at a deficit. Right now we are advised the deficit is running about $34 million, maybe $35 million in the hole, in the red right at this momemt, so there would be no money to pay for this postage if that legislation prevail. So anyone who has ideas about paying it from our own account, we do not have any money to pay it from, and this money would come out of the Defense Department where it probably should be and always in the history of our country when we have had this action before has always been paid from defense funds, and that is where this would be paid from on this bill. This is the logical and correct way to do it, so I urge everyone to support this legislation. Let us not delay this any further.

Mr. MATSUI. Mr. Speaker I would like to add my complete support for this legislation.

This is among the most simple gestures we members of a legislative body can make in support of the brave young men and women who are unselfishly serving international interests in the Middle East. This legislation may seem to be a trivial to many, but I can assure my colleagues that to those who have been separated by their loved ones, free postage for our soldiers and expedited service of their letters will truly help make their uncomfortable stay in the desert a little more bearable.

I applaud my colleagues for acting so quickly on this legislation and I urge my colleagues to support its passage.

Mrs. LLOYD. Mr. Speaker, on September 12, the U.S. Postal Service announced that effective immediately troops deployed to Operation Desert Shield can mail correspondence home free of postage. The Postal Service made this important and timely announcement subsequent to the Senate adoption of lan-

guage in the Treasury-Postal Service Appropriations bill on September 11 and because House approval of similar legislation was imminent.

In making this announcement the Postmaster General said that

Now our military personnel in Operation Desert Shield can send their messages to friends and loved ones back home without postage. The Postal Service fully supports our service men and women. We'll take all the letters they give us.

The legislation before us today puts the House of Representatives firmly on record in staunch support of this action as well.

Members of a recent congressional delegation visiting the troops in Saudi Arabia found that a common complaint was that the troops were unable to purchase stamps to mail letters home, and that if they had brought stamps with them, the desert heat made them unusable.

S. 3033 authorizes members of the Armed Forces engaged in temporary military operations overseas under arduous circumstances to mail cards, letters, and audio cassettes home without postage. Thus, the bill would extend to troops currently in Saudi Arabia the same free mailing privileges that current law extends to members of the Armed Forces engaged in hostilities.

By writing the word "free" in the upper right-hand corner and by placing their name, military grade and complete military address in the upper left-hand corner, the troops can send their letters home without stamps.

I strongly support this legislation as it is entirely appropriate to accord free mailing privileges to the servicemen and women who are bravely and selflessly serving our country in the Persian Gulf. It had been suggested that it may be required to delete funds from the mailing privileges of the House of Representatives for that purpose and I am fully prepared to support such legislative action should it be necessary to defray the cost.

We all owe a tremendous debt of gratitude to the members of the U.S. Armed Forces who are serving in the gulf region and this legislation is the least we can do to assure that they keep in close and frequent contact with their loved ones by mail.

I urge its swift adoption.

Mr. FORD of Michigan. Mr. Speaker, despite our Armed Forces in the Persian Gulf being involved in the largest military buildup since the Vietnam war, they couldn't perform the simple task of mailing a letter home to their families and friends. That's because the law said they couldn't have free mailing privileges unless they were under hostile fire.

But they needed this privilege because—as they have told our congressional delegations—the sheer heat and living conditions in the Persian Gulf precluded the availability and use of stamps. The Postal Service has agreed and in anticipation of passage of S. 3033, has begun accepting free mail from the troops.

This is why I am urging quick passage of S. 3033, to confirm free mailing privileges to our men and women serving in Operation Desert Shield. We need this legislation to continue the same privilege to today's military men and women as we have given to our troops in Vietnam, Korea, and the World Wars.

Mr. Speaker, the troops are waiting for us to act today on this legislation. The U.S. Postal Service has acted. The Department of Defense is ready to act as soon as this bill becomes law. If we pass it now, it can be on the President's desk today!

Our young men and women have earned this extra benefit because of the harsh and extreme circumstances we have asked them to live and work under. We have sent them thousands of miles from their families and friends, and this free mail plan may help them come a little closer together.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

□ 1530

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman from Indiana, and my colleague, and the gentleman from New York for their consistent support for this legislation, as well as the chairman of our committee, the gentleman from Michigan [Mr. FORD] and the gentleman from Indiana [Mr. MCCLOSKEY] who have a companion piece of legislation similar to this that we talked about the other day.

They are all strong supporters.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. HAYES] that the House suspend the rules and pass the Senate bill, S. 3033.

The question was taken.

Mr. HAYES of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. HAYES of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on S. 3033, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## PERSONAL EXPLANATION

Mr. CAMPBELL of California. Mr. Speaker, I recently had the honor to introduce Supreme Court Justice Kennedy at a function in New York City. Because of this event, I unfortunately missed two votes on the floor.

The first bill was S. 3033, a Senate bill to authorize members of the Armed Forces engaged in temporary military operations overseas under arduous circumstances to mail cards, letters, and audio cassettes home without postage. Thus, the bill extends to troops currently in Saudi Arabia the same free mailing privileges that current law extends to members of the Armed Forces engaged in hostilities. Funding for this bill would come from the defense budget.

The second bill was Representative RIDGE's motion to recommit H.R. 5611, the House version of S. 3033. An important difference from S. 3033 is that funding for H.R. 5611 would be provided from the congressional franking budget.

Mr. Speaker, I would have voted for both bills, and I would like the Record to show my positions on the bills, as well as my regret on having missed these votes.

## AUTHORIZING SPEAKER TO DECLARE A RECESS TODAY

Mr. HAYES of Illinois. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess today, until no later than 5 p.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, but I do think we need to probably tell the House what it is we are attempting to accomplish here.

Mr. Speaker, it is my understanding that the necessity for this is to give the people at the budget summit additional time to work.

What we would hope to do is cluster all votes that have been ordered as a result of suspensions, plus other items of business that may require votes, into a time period between 5 and 6 o'clock and then the House could be expected to adjourn for the day sometime shortly after 6 o'clock.

Is that a correct reading of the situation? And I yield to the gentleman from Illinois.

Mr. HAYES of Illinois. Mr. Speaker, I am advised the gentleman is correct in his assumption.

Mr. WALKER. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. It would be the intention of the Chair to call the special orders at this point.

With the understanding that the House will return to regular legislative business today, the Chair will now call the special orders.

## FEDERAL EMPLOYEES EXPRESS CONCERN OVER POSSIBILITY OF A FURLOUGH

(Mr. HAYES of Illinois asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, I have been getting quite a bit of inquiries from employees in the Postal Service about some of the recent decisions that have been made that will affect their employment as a result of the efforts of the summit conference, I guess, to reach agreement on the budget.

One of the things that concerns our people is being forced to take leave, and they are concerned about the impact it would have upon their family life.

This is not only true of employees of the postal system, but it is true of all Federal employees.

To be in a position where you have to take time off and lose income amidst an effort to reduce the deficit, it is hitting where it hits the most those people who can least afford it.

I really think we ought to consider in this House speaking out and standing up for those people who are going to be impacted adversely by this kind of action. We ought to find a way to reduce the deficit, but not on the backs of those who can least afford it but on the backs of what we spend in the military and, yes, in the forgiveness of the debts of other countries who can pay, at the expense of our people who live here.

□ 1540

## STOP PROTECTING THE SUPER-RICH AND GOUGING WORKING FAMILIES!

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. At the end of World War II, Mr. Speaker, the U.S. economy stood astride the world like a colossus. Virtually every other economy in the Western world was in collapse. America's economy drove the world economy, and the American worker was king.

For the first 25 years after World War II, the American worker knew unparalleled prosperity. During those years the family which was exactly in the middle of all income earners saw its real income doubled. Middle-class income rose more rapidly than income for the wealthy because wages went up. Eighty percent of the increased income in America in those days came from increased wages.

However, Mr. Speaker, the world economy was changing, and the energy crisis in 1973 revealed which economies were ready to handle those changes and which were not. From 1973 to 1978, a male worker at the exact middle of American earners saw the purchasing power of his wages actually decline by 2 percent because of inflation. From 1978 to 1988, average hourly earnings measured in terms of their purchasing power declined a full dollar, from $11.72 to $10.13, figuring both of those numbers in 1988 dollars. That meant that the worker in the middle lost $2,000 in real purchasing power over that decade.

Why did that happen? It happened essentially for three reasons. First, foreign countries expanded their sales for traditional products, such as cars; second, American manufacturers failed to win the competition for production and sale of new products, such as VCR's; and, third, management succeeded in pushing down wages under the pressure of international competition, even while executive compensation was skyrocketing.

Over the eighties, families on the surface appeared to be keeping up, but only because more and more women went into the work force, producing second earners for many American families. In 1978, the total income of two-parent families was $969 billion. In 1980, the total income was $1,044 billion. But fathers' earnings had dropped from $806 billion to $789 billion. Mothers' income had increased from $161 billion to $255 billion. America witnessed a 20-percent increase in the number of woman who worked full or part time and a 100-percent increase in mothers who worked full time. Mothers' income over that period added an average of about $3,400 to family income, but most of that income went to women in high-income families. For families in the exact middle of the country, in terms of income, mothers' wages increased family income by about $1,250. But expenses, such as transportation, clothing, and child care, took away 20 to 30 percent of that income, enough to still make many families net losers.

Mr. Speaker, in the early 1980's the Reagan administration argued that reducing Government involvement in the economy and cutting taxes primarily for high-income people would create a new era of generalized prosperity. But the record shows that, as regulatory enforcement has been cut, as antitrust litigation has been mothballed, public investment cut in half and tax rates on high income people cut by more than 50 percent, the purchasing power of workers paid through wages has actually fallen.

Putting two earners in the work force helped many families to be able to feel that they could afford to have children, or buy a home, or think about putting their kids through college, but economic strains on mothers are putting strains on other aspects of family life, and, unless both Government and private industry helps to adapt to those new realities, the price of that strain will fall most heavily on today's children.

Today at Andrews Air Force Base discussions are now going on between the White House and the congressional leaders to try to determine how to reduce the gargantuan deficits created by the fiscal mismanagement of the 1980's. It is about time. But any attempt to deal with those budget deficits through increased taxes should take into account the fact that many middle class families have reaped few, if any, of the benefits of the policies which caused those deficits.

Let us take a look, for just a moment, at the result of Government budget and tax policy in the 1980's. In terms of income the wealthiest 1 percent of people in our society have seen their incomes rise by about 70 percent, from $313,000 to well over $500,000 on average during the 1980's. By contrast, the income for the 20 percent of families in the middle rose by a scant 3 percent. And income for the poorest 20 percent of American families has actually declined. If we were to take the bottom 90 percent of all American families, we would see that they have had but a tiny fraction of the growth in income which has been provided for the wealthiest people in this society. The richest 1 million families saw their income go from $313,000 on average to $550,000 today. Forty percent of the total income growth in the country went to the richest 1 percent of people in this country. This is greater than the combined growth in income of 90 percent of all American families.

This year, Mr. Speaker, the richest 1 percent of the population will make $564 billion before taxes. That is more than the total income of 40 percent of all American families. The most well off, 20 percent of American families, those making more than $60,000 a year, will have more income this year than the other 80 percent of all American families combined: $2.2 trillion versus $2.1 trillion. If tax payments for the richest 1 percent of Americans had kept pace exactly with their income rise since 1980, the deficit today would be $75 billion lower than it is today, and they would still have, after taxes, the largest increase in income of any other group in our society.

On taxes, if we combined all income and all payroll taxes, 60 percent of all American families—the bottom 60 percent—have actually had a tax increase. The second highest 20 percent of American families have had a tax cut of about $45 on average. But the richest 1 percent have had an average income tax cut of $12,000.

In addition, the Federal Government has shifted $95 billion in responsibility from the Federal Government to State and local governments, about $1,000 for every family in the country. For instance, if the Federal Government today were paying the same percent-

age of education costs that it paid 10 years ago at the elementary and secondary level, local property taxes for education would be $10 billion lower. That shift also falls most heavily on low- and middle-income families because they pay a larger share of State and local taxes in comparison to the wealthy than they pay at the Federal level.

Yet in the wake of all of this the President last week asked us to support a tax package which adds $25 billion to the deficit over 5 years and gives 80 percent of the benefits of those tax cuts to the wealthiest people in our society.

Now the argument made by the Reagan revolutionaries, that the average working families would eventually benefit from the policies of the 1980's, simply has not panned out. The evidence is in. Their promises were wrong. Most workers are paying higher taxes, and they have less purchasing power for their incomes than they had before. They did not get a gold plated invitation to the party in the 1980's, and they should be the last to get the bill for that party. But the President has put them first in line to pay. He and his negotiators at Andrews Air Force Base are insisting on passage of his capital gains proposal.

□ 1550

The richest 1 percent this year will have $175,000 in capital gains. The bottom 90 percent of American households will have an average capital gain of $299. That is $175,000 versus $299. And 80 percent of the benefit of the President's new capital gains plan will go the richest 1 percent.

Now, the administration continues its adamant refusal to eliminate the gimmick in the Tax Code known as the bubble. That gimmick, shown on this chart, produces the following result: If you are a taxpayer earning less than $42,000 a year under the existing tax code which the White House is trying to protect, you pay on that income a tax rate of about 15 percent. On income which ranges between $42,000 and $75,000, you pay a marginal tax rate of 28 percent. On income between $75,000 and $155,000, as shown by this graph, you pay a marginal tax rate of 33 percent, but on all income above $155,000 the effective marginal tax rate drops back to 28 percent. This gap, this drop in income tax marginal rates for all people making more than $155,000 a year costs the Treasury $9 billion a year. That little special deal for all people making $155,000 a year or more is what the President's negotiators are principally trying to protect in the tax debate now going on at the summit.

Now, because the President is taking some heat for the injustice of that position, his negotiators are now saying, "Well, why don't we instead pay for the capital gains by limiting the tax deduction for State and local taxes?" They claim that that socks the rich. The problem is that it does so selectively. States such as Governor Sununu's State—the President's principal adviser—have no income tax. States such as Texas have no income tax. They simply charge the cost of their public services to consumers of oil and gas from other States who must buy their products in order to heat their homes and run their tractors.

If deductions for State and local taxes are limited, what appears on the surface to be limiting tax cuts for the wealthy in certain States will in fact simply create pressure for those States to lower tax rates on high-income individuals to the deductibility ceiling levels, which would simply result in those States shifting tax burdens to lower income people. I have very little doubt that that is what the President's advisers would like to do. I have a lot of doubt that what they want to do is fair and right.

To finance a capital gains tax gift for the rich everywhere by eliminating deductions for high-income people in only certain States would be unfair and would place an additional burden on States which have already done the most to deal with their own problems. States with progressive income taxes, such as New York, Minnesota, and Wisconsin, impose a heavier tax on high-income people than most other States, so we can deal with our own problems. We also receive smaller reimbursements from the Federal Government for the cost of programs such as Medicaid than do many States with little or no State income tax. That is hardly a just formula, but that is a fact.

The administration is now throwing up a smokescreen to try to cloud the public's view of the fact that what is preventing agreement at the summit on deficit reduction is the administration's insistence on protecting the very wealthy in the indefensible income tax bubble which I have just talked about. Their insistence on providing yet another tax benefit to the most high-flying citizens of this society by way of the capital gains tax break coincides with their ideological preference in preserving high-income people on the existing Income Tax Code.

That may make ideological sense, but it makes no economic sense, and it certainly is not fair. That in my view is what must change if we are to have a compromise on the budget deficit which solves the Nation's problems and once again gives the American people confidence that Government is looking for ways to help them rather than "take" them.

Now, the question is often asked: Why are people so cynical about politics and about politicians? Well, one answer to that that is often given is that they are concerned about the ethics of people in Government.

I agree with that, and I think my record shows that I have been at the center of virtually every effort to strengthen ethics codes for elected officials, especially Members of Congress, and to reform ways in which political campaigns obtain and spend money.

But I would suggest that there is an even more important reason why the public thinks that they are being had by so many politicians, and that is because Government is seen as being quite different than it was at the time of World War II.

At the end of World War II, Government was seen as being on the side of the average family. It was supporting programs which helped people buy their first home and helped to put people through school through the VA housing program and the GI bill. Government was seen as having a progressive Tax Code which taxed people on the basis of their ability to pay, not on the basis of their ability to conduct public relations campaigns to get out of paying.

Today, Government unfortunately is seen as being in cahoots with the high-rollers in this society. It is being seen accurately, I am ashamed to say, as being on the side of the wealthy. It is seen as being the instrument which puts the fix in so that the wealthy and the well-connected can do exactly what they did in the 1980's, increase their income by gargantuan amounts at the same time they are reducing their tax burden in comparison to that income, leaving middle-income taxpayers holding the bag.

That has been the sad story of the 1980's on budget and tax policies, and that is what has to change. The single most important thing that any Government official can do to restore public confidence is to put Government back on the side of average families in this country by seeing to it that our deficit is reduced quickly and fairly. That means reducing the temptation to use the Persian Gulf crisis as an excuse to resurrect spending for every "turkey" weapons system that drains our strength rather than adds to it—weapons which have absolutely nothing to do with our ability to fight in the Persian Gulf.

□ 1600

I am talking about items like the B-2 bomber, star wars, the MX missile, and the like.

The second thing we must do is to say "No!" when the President's economic team is insisting that we once again provide just one more benefit to the wealthy at the expense of the average working family in this country. The tax system simply must be made more progressive. Those at the very

top of the income tax scale ought to be paying a higher tax rate than the rest of Americans, not a lower tax rate, as they are paying today, because if they do not, then people in the middle are simply going to get stuck.

Any so-called budget compromise coming out of Andrews Air Force Base that does not make those changes fails to meet the fundamental test of fairness and should be rejected. That is the message the President must understand.

For Republican negotiators at the summit to propose a package which cuts taxes for people at the top of the ladder, while raising taxes for everyone with incomes less than $50,000, is backward.

The President indicated in his speech last Tuesday that he wanted us to stop fighting and come to an agreement on the budget deficit. I would love to see that happen. But before it can happen, people have to understand what the fighting is all about. The fighting is primarily about this gap, this gimmick, which allows the very richest people in our society to get off paying $9 billion less a year than they should be paying into the Federal Treasury, while people who are making smaller incomes are paying more.

That is what the White House must face, that is what the White House must recognize, if they are to in the end gain the support of progressives in this House, who feel that the principal job of Government in this budget compromise is to see to it that middle-income working families are treated fairly, and to see to it that people who were not invited to the party in the 1980's do not get stuck with the lion's share of the bill.

## THE POLITICS OF THE TEXTILE BILL

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the offices of the Congress have been inundated with mail, both for and against the Textile, Shoe, Apparel Act of 1990. Newspapers have run large display ads, both pro and con, and the U.S. Trade Representative's office has released statements daily threatening that passage of the legislation would destroy 4 years of GATT negotiations.

As a writer, as an editor, as a former Agency head responsible for international negotiations, I would like to make some comments upon what we are seeing and what we are hearing.

The charge that restricting the growth of imports of fabric, shoes and apparel to 1 percent a year is catastrophic is balderdash. No country is threatened with losing either quotas or market share. No country is being shut out of American markets as we have been shut out of so many foreign markets.

The charge that the passage of this bill, H.R. 4328, will destroy the GATT Agreement is ridiculous. It is well understood among every professional in the field that the passage of the recent farm bill with all of its subsidies put the skids to any demands we were making to gain access to foreign markets or to push our demand of our trading partners that they stop subsidizing their producers.

As a matter of fact, the agricultural issue has bogged the whole process down so much that on Monday of last week, in a speech in Seattle, Ambassador Carla Hills is quoted in the Journal of Commerce as saying that:

> Slashing farm subsidies that "bride the market" is a major goal of the current round of GATT talks, but it is unclear how much progress can be made before the conclusion of the talks in December.

When the American Congress decided to provide protection for the American farmer, a deserved benefit in a high risk business, Mrs. Hills—as a negotiator—was left high and dry.

So we are left in a quandry!

How can we ask foreign nations to forego that which our own people demands?

Of course these negotiations will go on into December and most likely will bear no fruit at all, unless possibly, there is something else to trade off which might make those countries open up markets long closed.

Now, what in the world could that be? Textiles? Shoes? Clothing? Is it possible that the shrillness of the attacks on the textile bill grows out of a real threat that the U.S. Trade Representative—having lost on the farm bill, also might be faced with the Congress' decision to protect 2 million American manufacturing jobs? That the textile and apparel industry will not be available to offer up to the goals of this negotiation?

I think this is the bottom line.

Now, if this indeed happens. If we trade 2 million manufacturing jobs for agricultural markets, I doubt the European Community will move 1 inch because right now, in the south of France, the sheep farmers are fighting importation from Great Britain of lamb—inside the European Community. The French farmers are being put out of business by opening up their markets to the British. The integration of markets inside the European Community is still under dispute—still unsettled.

In the matter of protecting its textiles and apparel industries, the whole of the European Community accepts only 25 percent of foreign production, even though they have a market 80 million stronger than ours. The Japanese market, half our size accepts only 6 percent. We, right now, are accepting 60 percent of world production and under this legislation would allow that to grow at 1 percent per year.

And, as to how the Japanese will respond to any new agreements, all we have to do is look at recent history of another supposedly successful agriculture negotiation with them.

Recall the fight over getting American beef and fish into Japan? How, even as we kissed off microprocessors—we gained entry to Japan on meat. A great victory of the last couple of years!

And do you know when that entry was made? That agriculture beef agreement was concluded after Japanese interests bought ranches and packing houses in the United States. Probably they allowed fish imports from United States waters after they brought canneries here. So, sure beef and fish are major U.S. export items to Japan, but it is Japanese-owned beef, Japanese-processed fish; and not one penny of the profit from these operations is kept in this country. And, at one of the ranches, even the cowboys are Japanese.

□ 1610

If we allow our textile industry, the remainder of our shoe and apparel industry to be traded off against promises of future markets—I suggest there will be a boom in the purchase of farms and paddies by foreign interests to pre-empt the profit of these agreed-upon imports.

To make my point, consider 5 of the 10 major exports to Japan from America.

Wood products and cork: And every Member of this House must be aware that little of this wood moves off milled. Value added is added in Japan, not in America.

Beef: Most of the beef going into Japan from the United States is owned by Japanese interests.

Fish: Most of the fish being exported is being sold by Japanese-owned fishing operations and processed through Japanese operated canneries.

Grain cereals: If Japan is buying grain cereals from the United States, Japanese trading houses also are operating out of the U.S. Department of Agriculture in the Export Enhancement Program receiving grain for shipments of grain—to targeted markets—through the program. So, in what is becoming "the Japanese model," if we enter one market, they in turn move in as equals making up any United States gain in another area.

The final major export is non-ferrous metals. In the last 2 years, Japan has purchased or bought into several nonferous metal operations, so how much of this export item should be

credited to the United States or to Japan is in question.

I have been attacked in an advertisement—paid for by Japanese interests—in Time magazine for suggesting that we are becoming a colony of Japan. If we look at the products Japan buys from us—the five I just listed—agriculture and raw materials—and consider that we are not only buying manufactured goods from them in exchange, but that we are considering trading off manufacturing sectors in order to sell more agricultural products, it is becoming evident that we are moving more and more toward a colonial relationship with that particular country.

We must all know what the stakes are for the domestic industries—shoes, clothing, textiles:

Eighty-two percent of the footwear market is supplied by foreign products. Only 18 percent of the U.S. market is supplied by American production.

The U.S. market accepts 60 percent of all foreign apparel and textile production. 60 percent

In the apparel industry, employment is the lowest it has been in 49 years! In textiles, the level of employment matches the record low of 1985.

Import of apparel reached 59 percent of 1989, up from only 30 percent in 1981.

Eighty-seven apparel and textile plants have closed in the first 8 months of this year.

The retailers, the wholesalers, the designer clothes groups have been up front and out front with their lobbying. I find, in all instances, while charging the American manufacturers with having made great profits, they have nimbly side-stepped any comment on the profits rolled up in their businesses!

I shop and I talk with many other people who shop. And there are some real questions that need to be asked about the so-called imported bargains we are being offered. Why is it that items made in Third World countries are as expensive as items manufactured in America?

How can it be that a dress—this season—made out of heavy gauze-like material from India costs $100? I remember 2 or 3 years ago huerachas from India were priced at $60 per pair. Remember the cut leather beach shoes of 20 years ago at $1 or $2 dollars a pair? The very same ones, Mr. Speaker. But, now at $60 a pair?

And there were the sandals—which I picked up to look at. Attractive, so flimsy that I wondered if they would stand up through a Washington rainstorm. On the sole, the price $129 per pair, marked "made in Argentina," for a popular designer.

Take any catalog. Check it out for yourself. Imported products from abroad cost as much as products made in this country, time after time!

I am going to read some examples from the latest Sears Roebuck catalog.

Here is a blazer of bright colors to accent your basic black; made in U.S.A. or imported, same identical price of $55.

Here is a skirt, straight skirt with quality dress-maker details, machine wash, made in U.S.A. or imported, same identical price of $26.

Here are some knit, polyester jogging suits, weekender jogging suits, made in U.S.A. or imported, the catalog says, same price.

Here are some ladies cotton twill pants, made in U.S.A. and imported, U.S.A. material it says, same price, for a misses it's $18.49 and for women it's $20.49 a pair.

Another item, again sports pants, made in the U.S.A. or imported of machine washable cotton and dacron polyester, misses, same price, $16.79 a pair and womens $18.79 a pair.

It goes on and on. Let me get to the suits. Here is another blazer for a woman, made in U.S.A. or imported, U.S.A. material. Sometimes they take the material overseas and sew it together and bring it back. This is the same price for misses, $34.94 and for women $39.94 and for tall women, $36.94, same, identical for domestic or for imported goods.

And so on and so on throughout the catalog. All of these markings here are on pages in this catalog which show that the same price exists for made-in-the-U.S.A. or imported material.

□ 1620

Savings on imports? For whom? Passed through or kept? Rather than talking bargains, we should be talking possibly an excess profits tax on importers who charge whatever the market will bear.

On the question of import costs, the flat retailer answer that tariffs raise the price, thereby making the import item as expensive as a domestically produced one, is absolutely absurd. Tariff rates are different for different categories, but in the shopping that most women do, blouses and dresses on average, the tariff is 10 percent. So if a blouse or a dress costs somewhere from $2 to $3 to $10 in Bangladesh, India, the American importer will be paying $0.20 to $0.30 to a dollar for each item in tariff costs. Hardly an excuse for the sometimes 300- to 400-percent markup to bring the item up to U.S. market levels.

I have in my pocket some sales slips from some blouses at a local company. All of these were made in Thailand. They are cotton. These prices run from $40 to $50 for each, and I would like to bet that in Thailand that blouse can be bought for no more than $10 each. We are talking about the kind of people who are involved in the manufacture of those blouses and those dresses over there.

Why are we not dealing with the true motives behind all of this?

Read the propaganda surrounding this legislation and you would believe that the retailers of this country are running a public service operation for America. That their major concern is the availability of cheap products.

I urge every man in this House to go shopping and tell me—knowing the economies of many of the countries these articles are coming from—that the profits are not, in many cases, unconsciencable.

And, as to the matter of conscience, the proposition put forth by some of the antitextile lobby that Americans have every right to enjoy the fruits of every exploited labor force around the world is absolutely shocking!

From the slave labor of China all the way through India where women and children work in the most appalling conditions, the idea that these poor people should be working to satisfy our jaded demands for instant gratification is sickening.

And, if any free trader tells me that our American workers should compete with this type of labor, then I think he or she marches to a very different tune from the mass of Americans.

As to competition, inside this country where the playing field is level, there are 600 American manufacturers and 25,000 apparel businesses. These companies compete for an ever decreasing market share in America, but beyond that, they are competing every day in one of the most hostile business environments this country has ever experienced. Unlike their foreign competitors, many of whom are subsidized by their governments and totally protected by their governments from imports either by tariffs, some as high as 100 percent of the value, or by quotas, American companies have to fight to even borrow money from the commercial banks at reasonable rates if they can find it, orders in hand. How dare any ivory-tower economist or bureaucrat preach to a bunch of American manufacturers about the joys of competition?

Just a monthly check of U.S. bankruptcies will explain what an economic jungle we have created for our domestic companies. They do not need to take on additional battles with the products of socialist countries or cartel-dominated foreign industries.

This vote, I predict, will be a litmus test for each one of us standing for reelection this year, because the issue is so clear cut. Two million American jobs are on the line, representing, on average, two or three times as many people considering family members. And this is the recognizable loss.

No one is addressing the multiplier effect on the communities impacting the butcher, the baker, and the candlestick maker. And, contrary to

most reports that this is a southern issue, there are more textile jobs in the State of Pennsylvania than there are steel industry jobs.

Surprising, isn't it?

My home State of Maryland once was a center of clothing manufacture. All the way from the center of Baltimore down toward the Eastern Shore and up through Hagerstown to the Pennsylvania line. These were the steady jobs in the small cities and towns. Jobs many times for the single provider, all too frequently, women.

Sadly most of these jobs have disappeared under the flood of earlier imports. And, many of the mills are shuttered, the villages quiet in the middle of the day, and the workers are carpooling 50 to 100 miles a day, if they are lucky, to jobs in the cities, and the numbers of latchkey children grow apace.

I am getting so impatient with the threats to this Congress that our trading partners will be angry, that they will retaliate. If we are in any kind of confrontation on closing market access, look at the facts. It is an empty threat. How can they close markets which have never been open? How many more empty promises will we accept?

Just last week, the Japanese announced that upon testing American rice they find it unsuitable for the Japanese market. Remember the Japanese snow which was unsuitable for American skis?

How many times are we going to be suckered by the most outrageous defenses of totally protectionist countries?

And, the threat to GATT; would our erstwhile allies, the Germans and the Japanese dare—after their timidity on the Iraq issue—dare to question the need to supply our own requirements at a time of danger? Overlooked by many in this debate is the strategic value of much of our textile capability to the defense of this country.

I am enclosing a partial list of some of the uses of textiles and textile technologies in weapons systems and the types of clothing still being produced in this country being used by our forces right now. The list reads as follows:

TEXTILE AND APPAREL USES IN DEFENSE

Chemical and Biological Protective Suits and Masks.

Hospital Supplies: Gauze, Bandages, Disposables, Organ Implants.

Duffel Bags.

Load Carrying Equipment.

Electrical Insulation.

Rope and Netting.

Cord.

Cotton Blend Combat Camouflage Fabric.

Cotton Blend Combat Camouflage Coats and Trousers.

Dress and Utility Work Trousers, Slacks, Skirts, Shirts, and Blouses.

Cotton Blend Dress Shirting Fabric.

Cotton and Cotton Blend Duck Fabric.

Coveralls and Parkas.

Dress Coats and Utility Jackets.

Woven and Knitted Hats, Caps, Berets, and Hoods.

Gloves/Mittens.

Raincoats and Ponchos.

Liners for Trousers/Coats.

Socks and Handkerchiefs.

Undershirts and Drawers.

Sheets and Blankets.

Towels.

Ticking.

Curtains/Draperies and Carpets.

Shoe Laces.

Sewing Thread.

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OTHER DEFENSE/INDUSTRIAL APPLICATIONS

1. RAM—Air-Decelerator—USA (coated Kevler—200 d.) (grenade decelerators) (helicopter use).

2. Ballute—USAF (420 & 210 d. nylon) (bomb decelerators).

3. Armor Vest & Helmet—Kevler (1500 d.).

4. Nomex—38/2 Coverall—Sage Green—USAF, USN, Fliers; Olive—tank uniforma.

5. Nomex & Kevler combination—inside liner—flight jacket—all Services.

6. Ballistic nylon—helmet liner, armor vest outershell, 9MM pistol holster & belt—USA & USMC.

7. Filament Nomex twill (250 d.)—flight suit—USN.

8. 420 d. Nylon pack cloth and backpack—USA.

9. Fuel Cells—rubberized (storage, transport, crashworthy) Helicopters, airplanes, army truck transport.

10. Rayon—carbonizing—shuttle rocket motor, C-4, Trident, D-5, Pershing missiles, re-entry, and propulsion systems.

11. Cordura for duffle bags—USA & USMC.

12. Wet weather gear USN—210 d. nylon.

13. Nylon—1260/840 ammunition pouch & gun cover (150M yds./yr.)—USA.

14. 840 d. Parachute—cargo chutes, drag chutes—USA, USMC.

15. Scrim—tank camouflage netting (Brunswick)—USA.

16. Scrim—protective covers (for lamination) for general purposes (400M yds./year)—All Services.

17. 40753 Flag—(200M yds./yr.)—USN signal flags.

18. V-Belt covers—All truck transport & tanks.

19. Truck tire components—truck transport.

20. Tarpaulin waterproof fabrics—all services.

21. Textile Composite Applications (glass, carbon fiber, Kevlar).

Helicopter blades and fuselages (Army "Blackhawk" and "Cobra" helicopters.

Combat vehicle and shipboard armor (Army rough terrain combat "Hummer" and "Humvee" vehicles.

Missile casings, launch tubes, and propulsion systems (MX, Minuteman, Trident submarine missiles).

Computer/Avionic circuit boards.

Airplane brake systems and engines.

Space Shuttle (booster rocket recovery nylon parachutes and "Nomex" felt covering under "belly" ceramic tiles.

Mr. Speaker, I might point out that one thing Members did not hear me read was boots for our military, because we are buying most of our boots overseas now.

The father of a marine who has gone over there said that his son wrote to him and said, "Dad, see what you can do about getting us a better-quality boot."

I also might point out, and I think this is something that my colleagues should remember, that those people who work in the boot factories overseas, whether it is in Korea, whether it is in Taiwan, whether it is in Japan, or wherever it is, that those people working in those boot factories do not pay any taxes to help keep the Pentagon going, but those who work in the industry in the United States of America do pay taxes and help against the deficit of this country.

I also might point out that when a dollar is spent in the United States by a Federal agency that 42 cents of that dollar, of every dollar, goes into some sort of tax in the United States, whether it is local tax, State tax, unemployment, Social Security, the IRS, what have you.

□ 1630

That helps to curtail, to cut down the deficit, and helps to keep the Pentagon and other Federal agencies going. That is something that we cannot emphasize enough.

It is absolutely confounding to me that we have come to such a time in the history of this great Nation that there would be any question as to whether we would defend—yes, the proper word here is defend—American jobs, American industries, American communities.

We have spent over $1 trillion for defense in the last decade. Our troops, our men and women, are sitting in a hostile desert defending Saudi Arabia and trying to free Kuwait. What is the purpose of defense overall if it is not to defend America and our way of life?

The textile vote tomorrow will focus on what our oath of office demands that we defend. I predict, the response to this vote, can signal to the world—once and for all—just what the American people want their Government to defend—decent jobs—stable, prosperous communities—and an opportunity for Americans to aspire to a better life for them and their children.

More prosperity in Third World countries does not address any of these hopes. Happy trading partners carry not whit of responsibility for this country. Besides, they are easy to please—just one more time.

First they demanded our television industry. Then industrial fasteners and machine tools were desired. Then automobiles and, in the last 10 years, microelectronics. And they took our markets and they smiled and, every year, they demand more.

And, what have we gotten? A rising debt, falling treasury receipts, a falling dollar, a banking system at major risk, the savings and loan industry devastated, and that great hope of all the service sector economists, McDonald's,

has had a perfectly disappointing year.

Speaking of empty promises, don't you remember how our heavy industrial base was to be replaced by high technology? And then, when high technology began to falter before the impact of imports, well sir, we were just all going to work in the service economy. Banks and brokerage houses, real estate and services.

Services to whom? Doing what?

How sad it all is. How much we have all lost. But these jobs, these industries can still be saved.

Let's do it. Let us tell our allies to stop the threats. Let's demand reciprocity—fair trade. We can save a whole lot of money by dismantling all of our customs' bureaucracy and just give the officers at the ports the laws of every trading country. The officers will be free to allow whichever item into this country that is allowed to enter into the exporting country. Reciprocity. Seems fair to me.

Too simplistic, by far, I know. But, it should be the underlying principal of every trade act passed by this country.

The watershed battle for our people is not going to take place half the world away from America in the Middle East. It will take place on this floor next week. Vote yes on the Textile, Shoe, Apparel Act of 1990. Vote to defend America and American jobs.

## RECESS

The SPEAKER pro tempore. Pursuant to the previous order of the House of today, the Chair declares the House in recess until 5 p.m.

Accordingly (at 4 o'clock and 35 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HOYER] at 5 p.m.

## FREE MAILING PRIVILEGES FOR MILITARY PERSONNEL

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the pending business is the question of suspending the rules and passing the Senate bill, S. 3033, on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HAYES] that the House suspend the rules and pass the Senate bill, S. 3033, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 64, as follows:

[Roll No. 332]

YEAS—368

Ackerman
Alexander
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Costello
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gibbons
Gilmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kolbe
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Markey
Marlenee
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland (GA)
Russo
Saiki
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Walker
Walsh
Waxman
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—0

NOT VOTING—64

Anderson
Applegate
AuCoin
Bates
Bilirakis
Boucher
Boxer
Brown (CA)
Bustamante
Campbell (CA)
Cooper
Cox
Coyne
Crockett
Donnelly
Espy
Fascell
Flake
Foglietta
Frenzel
Gephardt
Gradison
Gray
Houghton
Hutto
Jacobs
Johnson (CT)
Kennedy
Kleczka
Kolter
Kostmayer
Leath (TX)
Lehman (CA)
Lewis (CA)
Lowey (NY)
Manton
Martin (IL)
Matsui
McDade
Miller (CA)
Morrison (CT)
Neal (MA)
Owens (UT)
Panetta
Pelosi
Petri
Rose
Rowland (CT)
Roybal
Sabo
Sangmeister
Schuette
Schulze
Tanner
Tauke
Visclosky
Washington
Watkins
Weber
Whittaker
Williams
Wilson
Young (AK)
Young (FL)

□ 1732

Mr. SCHEUER changed his vote from "nay" to "yea."

Mr. OXLEY changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on rollcall No. 332 on the Senate bill, S. 3033, I was unavoidably detained coming from California.

Had I been present I would have voted yea on free mail for the military serving in the Persian Gulf.

## ALLOWING FREE MAILING PRIVILEGES TO MEMBERS OF THE ARMED FORCES

The SPEAKER pro tempore (Mr. HOYER). Pursuant to the order of the House of Thursday, September 13, 1990, the unfinished business is the question de novo on the motion to recommit the bill H.R. 5611 with instructions, on which further proceedings were postponed on Thursday, September 13, 1990.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Pennsylvania [Mr. RIDGE].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 142, not voting 63, as follows:

[Roll No. 333]

AYES—227

Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Brennan
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CO)
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Combest
Condit
Conte
Costello
Coughlin
Courter
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodling
Goss
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (SD)
Jones (GA)
Jontz
Kanjorski
Kasich
Kildee
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lloyd
Long
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moody
Moorhead
Morella
Morrison (WA)
Nagle
Natcher
Neal (NC)
Nelson
Nielson
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (GA)
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Walsh
Weldon
Wolf
Wolpe
Wyden
Wylie
Yatron

NOES—142

Ackerman
Alexander
Andrews
Annunzio
Anthony
Aspin
Atkins
Baker
Beilenson
Bennett
Berman
Boggs
Bonior
Borski
Bosco
Brooks
Bruce
Bryant
Byron
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins
Conyers
DeFazio
Dellums
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Edwards (CA)
Engel
Evans
Fazio
Feighan
Fish
Ford (MI)
Ford (TN)
Frank
Frost
Gejdenson
Gibbons
Gilman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Johnston
Jones (NC)
Kaptur
Kastenmeier
Kennelly
LaFalce
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Luken, Thomas
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Moakley
Mollohan
Montgomery
Mrazek
Murphy
Murtha
Myers
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Payne (NJ)
Pease
Pelosi
Perkins
Rangel
Richardson
Rostenkowski
Russo
Savage
Sawyer
Scheuer
Schumer
Serrano
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Stark
Stokes
Studds
Swift
Synar
Taylor
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Vento
Waxman
Weiss
Wheat
Whitten
Wise
Yates

NOT VOTING—63

Anderson
Applegate
AuCoin
Bates
Bilirakis
Boucher
Boxer
Brown (CA)
Bustamante
Campbell (CA)
Cooper
Cox
Coyne
Crockett
Donnelly
Espy
Fascell
Flake
Foglietta
Frenzel
Gephardt
Gradison
Gray
Houghton
Hutto
Jacobs
Johnson (CT)
Kennedy
Kleczka
Kolter
Kostmayer
Leath (TX)
Lehman (CA)
Lewis (CA)
Lowey (NY)
Manton
Martin (IL)
Matsui
McDade
Miller (CA)
Morrison (CT)
Neal (MA)
Owens (UT)
Panetta
Petri
Rose
Rowland (CT)
Roybal
Sabo
Sangmeister
Schuette
Schulze
Tanner
Tauke
Visclosky
Washington
Watkins
Weber
Whittaker
Williams
Wilson
Young (AK)
Young (FL)

□ 1752

Mr. FRANK changed his vote from "yea" to "nay."

Messrs. DE LA GARZA, EDWARDS of Oklahoma, NAGLE, BEVILL, and CHAPMAN changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. HAYES of Illinois. Mr. Speaker, in accordance with the instructions of the House, and on behalf of the Committee on Post Office and Civil Service, I report the bill, H.R. 5611, back to the House with an amendment.

The SPEAKER pro tempore (Mr. HOYER). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Strike all after the enacting clause and insert the following:

SECTION 1. FREE MAILING PRIVILEGES FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN TEMPORARY OVERSEAS DEPLOYMENT IN ARDUOUS CIRCUMSTANCES.

(a) MAILING PRIVILEGES.—In a case in which members of the Armed Forces are temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense, members so deployed shall be provided mailing privileges under section 3401(a)(1)(A) of title 39, United States Code, in the same manner as if the forces deployed were engaged in military operations involving armed conflict with hostile foreign force.

(b) REIMBURSEMENT OF POSTAL SERVICE FROM LEGISLATIVE BRANCH APPROPRIATIONS.—There shall be transferred to the Postal Service as postal revenues, out of appropriations made for the legislative branch for the purpose of franked mailings, as a necessary expense of the appropriations concerned, the equivalent amount for postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a).

(c) EXPIRATION.—The provisions of this section shall expire on June 30, 1991.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HAYES of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5611, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent for rollcall No. 332 and rollcall No. 333. Had I been here, I would have cast the following votes: "aye" and "aye."

## PERSONAL EXPLANATION

Mr. KOSTMAYER. Mr. Speaker, I was detained in my district during rollcall votes 332 and 333. Had I been present I would have voted "aye" on rollcall 332, and "aye" on rollcall 333.

## PERSONAL EXPLANATION

Mr. NEAL of Massachusetts. Mr. Speaker, I was unavoidably detained on business in my district. If I had been present, I would have voted as follows on the listed rollcall votes:

Rollcall No. 332, "aye," Rollcall No. 333, "aye."

## PERSONAL EXPLANATION

Mr. PANETTA. Mr. Speaker, I was participating in the budget summit negotiations at Andrews Air Force Base and was unable to cast my vote during House proceedings. Had I been present, I would have cast the following votes:

Rollcall No. 332—"yea," on flee mail for military personnel serving in the Persian Gulf region. Rollcall No. 333—"no," on a motion to recommit the bill H.R. 5611 with instructions.

## PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, I was unavoidably detained in my district and was unable to vote on rollcalls 332 and 333. Had I been present, I would have voted "Aye" on both.

## APPOINTMENT OF CONFEREES ON S. 580, STUDENT ATHLETE RIGHT-TO-KNOW ACT

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 580) 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, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, WILLIAMS, OWENS of New York, PERKINS, GOODLING, COLEMAN of Missouri, and HENRY.

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 2666, MILDRED AND CLAUDE PEPPER SCHOLARSHIP ACT.

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2666) to establish a Mildred and Claude Pepper Scholarship Program, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and without objection, appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, WILLIAMS, GOODLING, and COLEMAN of Missouri.

There was no objection.

## APPOINTMENT OF CONFEREES ON S. 2104, CIVIL RIGHTS ACT OF 1990

Mr. HAWKINS. Mr. Speaker, pursuant to House Resolution 449, I move to take from the Speaker's table the Senate bill (S. 2104) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes with a House amendment thereto, insist on the House amendment and request a conference with the Senate thereon.

□ 1800

The SPEAKER pro tempore (Mr. HOYER). The question is on the motion offered by the gentleman from California [Mr. HAWKINS].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: From the Committee on Education and Labor: Messrs. HAWKINS, MARTINEZ, WILLIAMS, WASHINGTON, FUSTER, MFUME, GOODLING, GUNDERSON, FAWELL, and GRANDY.

From the Committee on the Judiciary: Messrs. BROOKS, EDWARDS of California, KASTENMEIER, CONYERS, Mrs. SCHROEDER, and Messrs. CROCKETT, FISH, MOORHEAD, HYDE, and SENSENBRENNER.

There was no objection.

## DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILL ON SEPTEMBER 17, 1990

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 14, 1990.*

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign the enrolled bill S. 3033 on September 17, 1990.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the designation is accepted.

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2798

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2798.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## PERMISSION FOR SUBCOMMITTEE ON HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW, SEPTEMBER 18, 1990, DURING 5-MINUTE RULE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations be permitted to meet during the 5-minute rule tomorrow, September 18, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## NATIONAL JOB SKILLS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 333) to designate the week of September 30, 1990, through October 6, 1990, as "National Job Skills Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of the gentleman from California [Mr. MARTINEZ] who is the chief sponsor of this joint resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 333

Whereas the ability to maintain an internationally competitive and productive economy and a high standard of living depends on the development and utilization of new technologies;

Whereas new technologies require skills that are currently unavailable in the national workforce;

Whereas experts in both the public and private sectors predict that a shortage of skilled entry-level workers will exist through the remainder of the twentieth century;

Whereas young people in the United States are experiencing higher than normal unemployment rates due to the lack of skills necessary to perform entry-level jobs that are currently available;

Whereas young people in the United States will continue to experience higher than normal unemployment rates unless such young people develop the skills necessary to perform the entry-level jobs that become available;

Whereas workers in the United States, threatened by dislocation due to plant closures and industrial relocation, need special training and education to prepare for new jobs and new opportunities; and

Whereas a National Job Skills Week would serve to focus attention on present and future workforce needs, to encourage public and private cooperation in job training and educational efforts, and highlight the technological changes underway in the workplace: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of September 30, 1990, through October 6, 1990, is designated as "National Job Skills Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RELIGIOUS FREEDOM WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 331) to designate the week of September 23 through 29, 1990, as "Religious Freedom Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to yield to the gentlewoman from Maryland [Mrs. BENTLEY], the chief sponsor of this joint resolution.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are a lucky Nation.

Our Founding Fathers gave us one of the most precious gifts any people ever received—religious freedom.

Hopefully, today Members of this body will pass my resolution, House Joint Resolution 638 designating the week of September 23, 1990, as "Religious Freedom Week."

This year marks the 200th anniversary of George Washington's immortal words addressed to our ancestors, "To bigotry no sanction, to persecution no assistance." Written in a historic letter to the Tauro synagogue in New Port, RI.

What a wonderful promise for the future of America. These words brought hope to all citizens that they were truly free to worship without fear of tyranny of a state religion. That was the promise by the new President.

It is difficult for us as Americans today to realize just how much that ment to those people at that time.

House Joint Resolution 638 crosses political and ideological boundaries. Religious freedom is the basic American right of every citizen of every age, country of origin, religion, moral or ethical belief—whether a member of a religious institution or not. It is this right that we celebrate to honor and protect.

Half the world is denied the right to exercise religious convictions freely. For them, the gift which we take so casually is only a hope, a goal to be attained. Those who live in slave states need no reminder of the precious nature of the right to worship freely in accord with the dictates of one's conscience.

Occasionally, we need to remind ourselves and the Nation what a great blessing it is to be free of government interference in worshiping as we choose or in choosing not to do so.

Mr. Speaker, I would like to thank the Members for supporting resolution in the past 2 years, and hope they will continue their support now and in the future to preserve American religious liberty, drawing courage and strength from its heritage.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 331

Whereas the principle of religious liberty was an essential part of the founding of the Nation, and must be safeguard with internal vigilance by all men and women of goodwill;

Whereas religious liberty has been endangered throughout history by bigotry and indifference;

Whereas the first amendment to the Constitution guarantees the inalienable rights of individuals to worship freely or not be religious, as they choose, without interference from governmental or other agencies;

Whereas the Constitution ensures religious freedom to all of the people of the United States;

Whereas at Touro Synagogue in 1790, President George Washington issued his famous letter declaring "to bigotry no sanction, to persecution no assistance";

Whereas the Touro Synagogue letter advocating the doctrine of mutual respect and understanding was issued more than 1 year before the adoption of the Bill of Rights;

Whereas the letter of President Washington and the Touro Synagogue have become national symbols of the commitment of the United States to religious freedom;

Whereas throughout the history of the Nation, religion has contributed to the welfare of believers and of society generally, and has been a force for maintaining high standards for morality, ethics, and justice;

Whereas religion is most free when it is observed voluntarily at private initiative, uncontaminated by Government interference and unconstrained by majority preference; and

Whereas religious liberty can be protected only through the efforts of all persons of goodwill in a united commitment: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

(1) the week of September 23 through 29, 1990, is designated as "Religious Freedom Week"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States, including members of all faiths or none, to join together in support of religious tolerance and reglious liberty for all, and to observe the week with appropriate activities

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## NATIONAL TEACHER APPRECIATION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 313) designating October 3, 1990, as "National Teacher Appreciation Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the rights to object, I do so to yield to my friend and colleague, the gentleman from Wisconsin [Mr. ROTH], the chief sponsor of this joint resolution.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am proud today to rise as the sponsor of National Teacher Appreciation Day.

My legislation designates October 3, 1990, as National Teacher Appreciation Day. Two hundred and twenty-one Members of the House, including one hundred and sixty-six original co-

sponsors, joined me in support of this day of recognition.

I'd like to express my appreciation to Chairman SAWYER and Vice Chairman RIDGE of the Subcommittee on Census and Population for their immediate attention to this measure.

Also I thank Chairman WILLIAM FORD and Vice Chairman BEN GILMAN of the full Committee on Post Office and Civil Service for expediting action of this measure.

There are over 3½ million teachers in the United States at all levels. I commend them for the job they do in the forefront of our educational system. It is in their dedication and devotion to our children's education that America places its hopes for the future.

The best advice I've ever received during my tenure in the House of Representatives came from a teacher.

He told me that a person is smart if they learn something good every day, perfect if they never make mistakes knowingly, content if they take action to make things happen and happy by choosing to be happy.

Those words, from the much-respected Jhoon Rhee, have been an inspiration to me and many of my friends and colleagues. Likewise, America's teachers provide inspiration for our children.

It's easy for some in Washington to think of education as a line-item in the budget. But the efforts of our teachers are more than that, especially in areas where hardships are most severe.

Not all children receive the attention they deserve outside of school. Not every child gets to play with friends in the park. Not every child gets a headstart on learning or an early jump on education.

And some children need the additional guidance that teachers provide in order to make the right decisions in difficult situations.

It is when conditions are at their worst and the problem difficult that America's teachers shine the brightest. Our teachers not only educate on the subjects of algebra and English, but on the broader need to become responsible and productive members of the community.

Teachers often do not receive the accolades for the important work they do. Their reward many times is knowing that they have made a great contribution to another human being. Their reward is found in seeing a student reach his or her goal.

That's why it is with great admiration for the job our teachers perform and for the responsibility they hold that I urge the passage of this legislation commemorating America's teachers.

□ 1810

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER], my friend and chairman of the Subcommittee on Census and Population, who, I believe, is a former teacher himself.

Mr. SAWYER. Mr. Speaker, I had not intended to speak today, but I wanted to take this opportunity to associate myself with the remarks of the gentleman from Wisconsin [Mr. ROTH], our colleague, and to thank him for his effort to bring this measure before us. I particularly want to thank him for mentioning the inspiration which teachers are to young people in classrooms today. That inspiration extends to virtually the entire panoply of professions to which they might aspire, but perhaps none is more important than that profession which we honor today.

At a time when this Nation is relying more on its teachers than perhaps any time in the last century, it is important to understand that we are not replacing those teachers who in that current cadre of profession and are leaving the profession faster than our colleges are able to produce their successors. Perhaps the single most important task that a teacher today can undertake for himself or herself, and perhaps there is no more important undertaking, than to recognize at the beginning of each day that perhaps the most important thing a teacher can do is to inspire at least one child in their classroom to aspire to replace that teacher in that profession.

Mr. Speaker, there is no higher honor, there is no more honored profession in the United States, than that of teaching, and in recognizing this very special day we give special emphasis to that, and I appreciate this effort to do so.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 313

Whereas education of the Nation's youth is the foundation of the Nation's future;

Whereas education is a lifelong process which is beneficial to the individual and thus beneficial to the entire Nation;

Whereas teachers deserve credit for their invaluable role in providing education;

Whereas teaching not only involves traditional areas of education, but today also includes vocational education, continuing education, and education for special needs;

Whereas teachers contribute not only to the academic growth of students, but also to their ethical, social, and emotional development;

Whereas a student's respect for his or her teacher is essential to the student's ability to learn; and

Whereas the contributions of teachers should be celebrated often in order to honor the role of teachers in society and to affirm and foster respect for teachers: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That October 3, 1990, is designated as "National Teacher Appreciation Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## COUNTRY MUSIC MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 603) to designate the month of October 1990 as "Country Music Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so only to acknowledge the work of the gentleman from Tennessee [Mr. CLEMENT], who is the chief sponsor of this joint resolution.

Mr. CLEMENT. Mr. Speaker, today I ask my colleagues in the U.S. House of Representatives to join me in recognizing the month of October as Country Music Month.

Country music is uniquely American and reflects our Nation's history, growth, and culture. I am indeed proud to represent Nashville, TN—Music City U.S.A., the home of country music.

This October marks the 26th annual observance of "Country Music Month." Two hundred and thirty-six of my colleagues have joined me in sponsoring House Joint Resolution 603 asking President Bush to issue a proclamation calling on the people of the United States to observe this special month.

As an industry, country music contributes $550 million annually to our Nation's economy. According to a recent Harris survey, country music is the best-liked music in America, with over 60 percent of adult Americans stating that country is their favorite music. And, country music has gained international appeal, spreading across our world.

From the Soviet Union to Australia, people love country music. No matter where I travel, people always know about my home city, Nashville, TN, because of its identification with the country music industry.

Country is a musical style born in the hills of Tennessee, Virginia, and the Carolinas. It draws its roots from religious hymns, traditional ballads, folk songs, and even the soulful strains of rhythm and blues.

There are thousands of country music songs whose lyrics I could recite today to illustrate how country music embodies the spirit of America. I chose the Country Music Association's 1985 Song of the Year, written by my friend, Lee Greenwood.

The song is called "God Bless the U.S.A." Let me explain why I chose this particular song.

For the first time in more than a decade, a vast mobilization of American troops to foreign soil is under way. Our sons, daughters, husbands, and wives are stationed in a faraway Arab desertland, poised to protect the ideals for which America stands.

Since the outbreak of the crisis in the Persian Gulf, I have thought of this song many times. It contains a stirring patriotic message that has become more appropriate than ever.

As our friends and loved ones suffer in the oppressive heat in Saudi Arabia, willing to sacrifice their lives to defend our proud Nation, the words to this song ring very true.

So, with Lee Greenwood's permission and the support of the Country Music Association and the entire country music industry, I would like to dedicate the words to "God Bless the U.S.A.," and the 26th anniversary of Country Music Month to our troops in the Middle East.

GOD BLESS THE U.S.A.

If tomorrow all the things were gone
I'd worked for all my life
And I had to start again
With just my children and my wife
I'd thank my lucky stars
To be livin' here today
'Cause the flag still stands for freedom
And they can't take that away

From the lakes of Minnesota
To the hills of Tennessee
Across the plains of Texas
From sea to shining sea
From Detroit down to Houston
And New York to LA
There's pride in every American Heart
And it's time to stand and say . . .

I'm proud to be an American
Where at least I know I'm free
And I won't forget the men who died
Who gave that right to me.

And I'd gladly stand up next to you
And defend her still today
'Cause there ain't no doubt I love this land
God bless the U.S.A.

I ask my colleagues to join me, the country music industry, and the millions of country music fans throughout the world in recognizing the 26th anniversary of Country Music Month and in dedicating this year's Country Music Month observance to our troops in the Middle East.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H. J. RES. 603

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of the Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas October 1990 marks the twenty-sixth annual observance of Country Music Month: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of October 1990 is designated as "Country Music Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## CAUCUS FOR SOUND SPENDING AND TAX POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, right now the budget summiteers are continuing to meet out at Andrews Air Force Base about the budget crisis that faces this body and the Nation, and they are still talking about putting a litany of taxes, additional taxes, on the backs of the American people.

When we first found out that the President was starting to relent on his commitment that there would be no new taxes considered, a number of us became involved in a new caucus here in the Congress called the Caucus for Sound Spending and Tax Policy, and that caucus, working with the U.S. Chamber of Commerce, the Heritage Foundation and other leading think tanks, came up with a budget proposal that will meet the targets, the required targets, this year without a tax increase.

I want to repeat that, Mr. Speaker. We came up with a budget that was sent to all 535 Members of Congress and the President, plus the budget summiteers, that will meet the targets without a tax increase levied on the American people.

Mr. Speaker, if the summiteers did not like our budget proposal, in addition we gave them $31 billion in substitutes, for which they could change our budget to meet their concerns.

In other words, Mr. Speaker, if they did not like what we had in our budget, we gave them $31 billion in alternatives.

We do not need a tax increase, Mr. Speaker, and today in the Indianapolis Star there was an editorial that alluded to a program or a budget proposal from the Heritage Foundation in addition to the one that we proposed, and I would like to read that for my colleagues and for anyone else who may be paying attention. The title of the article is "Revitalize."

It says,

For the past two years, the economy has been running in lead boots. The Heritage Foundation has a multi-faceted plan to remove them.

It has proposed action to avert a recession and spur economic growth. It called for a 4 percent limit on annual federal spending increases and a Social Security tax cut that would be realized immediately in workers' paychecks.

The foundation's Economic Growth Package also recommended taking tax increases "off the table"; cutting the capital gains tax to 15 percent; clearing the tax code of barriers to savings and investment: and lightening the regulatory burden on business.

These actions, said Daniel Mitchell, John M. Olin senior fellow in political economy, "would produce a balanced federal budget by 1997 with no new taxes or cuts in any programs.

Now think about that, Mr. Speaker. We can increase spending for all these programs by 4 percent and still reach a balanced budget by 1997. The problem is my colleagues that are out there at that budget summit want to increase spending way beyond that 4-percent level. We cannot increase spending 4 percent a year for all these programs and still give in to capital gains tax cuts which would increase jobs in this country and reach the balanced budget that we all want by 1997. We do not need a tax increase.

They went on to say, "If Congress sticks to the 4-percent increase limit, the Federal budget will be balanced by the end of fiscal year 1996 and show an $11 billion surplus in 1997."

□ 1820

Contrary to its faulty "soak the poor" label, the capital gains tax cut would raise the gross national product by 0.4 of 1 percent annually through 1995, add 2½ million new jobs, and generate an additional $30 to $40 billion of new tax revenue during the next 5 years.

Cutting the Social Security payroll tax by 2.2 percent would spur GNP growth by an additional 0.3 of 1 per-

cent by 1993 and create another half a million new jobs.

In addition, they said the record economic growth that began in 1982 is no accident. It is the result of tax cuts, stabilized monetary policy, and reduced Government intervention in the economy. They went on to say the stakes are enormous. The economy is not numbers, it is people. When growth falters, people lose their jobs. When the stock market falls, millions of people's pensions lose their value. More than any group, it is the poor who suffer the most. The record job creation of the 1980's disproportionately benefited women, minorities, and the poor. The would be the ones who would bear the brunt of a recession.

Mr. Speaker, if we increase taxes now, make no mistake about it, it will precipitate a major recession in this country. We do not need a tax increase, Mr. Speaker; we need to cut spending. That, coupled with the 4 percent growth that the Heritage Foundation is talking about, 4-percent increases in spending each and every year for the next 5 years, would still reach a balanced budget by 1997.

Mr. Speaker, I hope the American people and Members are hearing what I am saying tonight. There is no question in my mind or any person's mind who has looked at this problem: we can reach a balanced budget by 1997, and still increase spending each year by 4 percent, without a tax increase. A tax increase, Mr. Speaker, would precipitate a major economic downturn and a recession.

Mr. Speaker, I include the article referred to for the RECORD.

The article in its entirety is as follows:

For the past two years, the economy has been running in lead boots. The Heritage Foundation has a multi-faceted plan to remove them.

It has proposed action to avert a recession and spur economic growth. It called for a 4 percent limit on annual federal spending increases and a Social Security tax cut that would be realized immediately in workers' paychecks.

The foundation's Economic Growth Package also recommended taking tax increases "off the table"; cutting the capital gains tax to 15 percent; clearing the tax code of barriers to savings and investment: and lightening the regulatory burden on business.

These actions, said Daniel Mitchell, John M. Olin senior fellow in political economy, "would produce a balanced federal budget by 1997 with no new taxes or cuts in any programs."

If Congress sticks to the 4 percent increase limit, said Scott Hodge, a student of federal budgetary affairs, "the federal budget will be balanced by the end of fiscal 1996 and show an $11 billion surplus the following fiscal year."

Contrary to its faulty "soak the poor" label, the capital gains tax cut "would raise the gross national product by 0.4 percent annually through 1995, add 2.5 million new jobs and generate an additional $30 billion to $40 billion of new tax revenue during the next five years," said Allen Sinai, chief economist for the Boston Company.

Cutting the Social Security payroll tax by 2.2 percent "would spur GNP growth by an additional 0.3 percent by 1993 and create 500,000 new jobs," according to Fiscal Associates Inc., a Washington-based consulting firm.

Action on the other recommendations in the package, mentioned above, would clear barriers from the economic road.

"The record economic growth that began in 1982 is no accident. It is the result of tax cuts, stabilized monetary policy and reduced government intervention in the economy," says Mitchell.

"The stakes are enormous. The economy is not numbers, it is people. When growth falters, people lose their jobs. When the stock market falls, millions of people's pensions lose their value," he pointed out. "More than any other group, it is the poor who suffer most. The record job creation of the 1980s disproportionately benefited women, minorities and the poor. They would be the ones who would bear the brunt of a recession."

The kind of economic vitamins being recommended by the Heritage Foundation worked before, as the experience of the 1980s proved. The president and Congress should revitalize the economy with them now and get the expansion going again.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of official business.

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today and September 18 and 19, on account of a death in the family.

Mr. MATSUI (at the request of Mr. GEPHARDT), for today, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HAYES of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. WISE for 5 minutes, today.

Mr. ANNUNZIO for 5 minutes, today.

Mr. OBEY for 60 minutes, today.

Mr. OBEY for 5 minutes, on September 18.

Mr. OBEY for 60 minutes each day, on September 19 and 21.

Mr. MCCURDY for 60 minutes each day, on September 25, 26, 27, and October 2, 3, 4, 9, 10, 11, 16, 17, and 18.

Mr. PICKLE for 5 minutes each day, on September 19, 20, 25, 26, 27, and October 2, 3, and 4.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana for 5 minutes, today and on September 18, and for 60 minutes each day, on October 1, 2, 3, 4, 8, 9, 10, and 11.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of California for 60 minutes, on October 1.

Mr. OWENS of New York for 60 minutes, each day on September 24, 25, 26 and 27, and on October 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. CLINGER.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Ms. SCHNEIDER.

Mr. MARLENEE.

Mr. GINGRICH.

Mr. ROTH in two instances.

(The following Members (at the request of Mr. HAYES of Illinois) and to include extraneous matter:)

Mr. ANDERSON, in 10 instances.

Mr. GONZALEZ, in 10 instances.

Mr. BROWN of California, in 10 instances.

Mr. ANNUNZIO, in six instances.

Mr. BRUCE.

Mr. ROE.

Mr. FASCELL.

Mr. HERTEL, in two instances.

Mr. BUSTAMANTE, in two instances.

Mr. COLEMAN of Texas.

Mr. MCMILLEN of Maryland.

Mr. SOLARZ, in two instances.

## SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 2088. An act to extend titles I and II of the Energy Policy and Conservation Act, and for other purposes.

S. 3033. An act to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances.

## BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 14, 1990:

H.R. 94. An act to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes.

H.R. 7. An act to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such Act and to extend the authorities contained in such Act through the fiscal year 1995, and for other purposes.

## ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.) under its previous order, the House adjourned until tomorrow, Tuesday, September 18, 1990, at 10 a.m.).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3884. A communication from the President of the United States, transmitting a request for dire emergency appropriations for fiscal year 1990 and appropriations transfer language for the Department of Defense—Military; and language that would cancel Egyptian debt for foreign military sales, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-237); to the Committee on Appropriations and ordered to be printed.

3885. A letter from the Assistant Secretary for Production and Logistics, Department of Defense, transmitting the Strategic and Critical Materials Report during the period April 1989-September 1989, pursuant to 50 U.S.C. 98-2(b); to the Committee on Armed Services.

3886. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to El Salvador (Transmittal No. 16-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3887. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Germany (Transmittal No. 17-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3888. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3889. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a revised report of the inspector general for the period October 1, 1989 Through March 31, 1990, pursuant to Public Law 95-452, Section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3890. A letter from the Chairman, National Commission on Superconductivity, transmitting the final report of the Commission, pursuant to Public Law 100-418, Section 5142(e)(5) (102 Stat. 1446); to the Committee on Science, Space, and Technology.

3891. A letter from the Secretary of Energy transmitting the 11th annual report on the Use of Alcohol in Fuels, pursuant to 26 U.S.C. 4041 nt; to the Committee on Ways and Means.

3892. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth report on tier III Federal agency drug-free workplace programs, pursuant to Public Law 100-71, Section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Appropriations and Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1576. A bill to modify the boundary of the Cranberry Wilderness, located in the Monongahela National Forest, WV; with an amendment (Rept. 101-458, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4107. A bill to direct the Secretary of the Interior to permit certain uses of lands within Richmond National Battlefield Park and Colonial National Historical Park in the Commonwealth of Virginia, with amendment 3 (Rept. 101-706). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4309. A bill to establish the Smith River National Recreation Area in the State of California, and for other purposes; with an amendment (Rept. 101-707). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4660. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; with an amendment (Rept. 101-708). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4687. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a compound of the National Wild and Scenic Rivers System; with an amendment (Rept. 101-709). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4811. A bill to expand the boundaries of the San Antonio Missions National Historical Park, and for other purposes; with an amendment (Rept. 101-710). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4878. A bill to establish the Lake Meredith National Recreation Area in the State of Texas, and for other purposes; with an amendment (Rept. 101-711). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 830. An act to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission; with an amendment (Rept. 101-712). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2419. A bill to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest; with an amendment (Rept. 101-713). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. S. 2205. An act to designate certain lands in the State of Maine as wilderness (Rept. 101-714, Pt. 1). Ordered to be printed.

## SUBSEQUENT ACTION ON BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X,

H.R. 5264. The Committee on Interior and Insular Affairs discharged from further consideration of H.R. 5264; H.R. 5264 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLILEY (for himself, Mr. DELLUMS, Mr. PARRIS, and Mr. FAUNTROY):

H.R. 5628. A bill to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds; to the Committee on the District of Columbia.

By Mr. ALEXANDER:

H.R. 5629. A bill to provide for the conveyance without consideration of certain lands in Stone County, AR, to certain persons deprived of property as a result of a 1973 dependent resurvey by the Bureau of Land Management; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 5630. A bill to amend the Internal Revenue Code of 1986 to provide that the disallowance of deductions for personal interest shall not apply to interest on loans used to buy fuel-efficient highway vehicles; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. SPENCE) (both by request):

H.R. 5631. A bill to authorize the disposal and acquistion of certain strategic and critical materials from the national defense stockpile and to amend the Strategic and Critical Materials Stockpile Act to remove a limitation on the disposal of materials and to expand the authority of the President to rotate materials in the stockpile; to the Committee on Armed Services.

By Mr. BRUCE (for himself, Mr. BLILEY, Mr. SLATTERY, Mr. TAUKE, Mr. RICHARDSON, Mr. TAUZIN, Mr. FIELDS, Mr. SCHAEFER, Mr. MCMILLAN of North Carolina, Mr. ROWLAND of Georgia, and Mr. BARTON of Texas:

H.R. 5632. A bill to establish a system for coding of plastic resin products and to promote recycling of plastics and use of degradable plastics; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE (for himself and Mr. LEATH of Texas):

H.R. 5633. A bill to create an interagency task force to review programs relating to the education of students in certain school districts receiving assistance under the Impact Aid Act; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 5634. A bill to supercede part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to require a reduction of 5 percent per account under the final sequestration order for fiscal year 1991; jointly, to the Committees on Government Operations and Rules.

By Mr. HERTEL (for himself and Mr. MCNULTY):

H.R. 5635. A bill to provide a penalty for increasing oil prices within 30 days after a declaration of war, the onset of military police action, or a major oilspill; to the Committee on the Judiciary.

By Mrs. MARTIN of Illinois:

H.R. 5636. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of receiving formula grants that States have in effect a law requiring certain sex offenders to be tested, at the request and for the benefit of the victim, for the presence of the etiologic agent for aquired immune deficiency syndrome; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 5637. A bill entitled "The Improved Rural Railroad and Grain Car Service Act"; to the Committee on Energy and Commerce.

By Mr. SAWYER (for himself, Mr. CLAY, Mr. HILER, Mr. WOLPE, Mr. KASTENMEIER, and Mr. MILLER of California):

H.R. 5638. A bill to establish a Federal annuity program to compensate participants in private pension plans which terminated before September 1, 1974, for nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. SCHUMER (for himself, Mr. WAXMAN, and Mr. SHAYS):

H.R. 5639. A bill to amend the Communications Act of 1934 to provide immunity from damages to cable franchising authorities for cable regulatory actions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LENT:

H.J. Res. 651. Joint resolution designating April 7, 1991, as "Just Pray No Day"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H. Con. Res. 371. Concurrent resolution expressing the sense of the Congress of the desirability of promoting energy efficiency and conservation, setting energy efficiency and conservation goals for the United States, and calling an energy summit; to the Committee on Energy and Commerce.

By Mr. BROOMFIELD (for himself and Mr. YATRON):

H. Res. 465. Resolution congratulating President Vassiliou, the government, and the people of Cyprus on the 30th anniversary of independence; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

495. By the SPEAKER: Memorial of the Assembly of the State of California, relative to savings and loan bondholders; to the Committee on Banking, Finance and Urban Affairs.

496. Also, memorial of the Assembly of the State of California, relative to Federal contractors; to the Committee on Education and Labor.

497. Also, memorial of the Assembly of the State of California, relative to the North American Waterfowl Management Plan; to the Committee on Merchant Marine and Fisheries.

498. Also, memorial of the Assembly of the State of California, relative to health insurance for retired teachers; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS. Committee on the Judiciary. H.R. 3134. A bill for the relief of Mrs. Joan R. Daronco (Rept. 101-715). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 5001. A bill for the relief of Norman R. Ricks (Rept. 101-716). Referred to the Committee of the Whole House.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 885: Mr. MCNULTY.

H.R. 913: Mr. STAGGERS, Mr. PARKER, Mr. WISE, Mr. TALLON, and Mr. HAMMERSCHMIDT.

H.R. 1582: Ms. PELOSI and Mr. SLATTERY.

H.R. 1608: Mr. ROE, Mr. SCHEUER, Mrs. LLOYD, Mr. WALGREN, Mr. WOLPE, Mr. NELSON of Florida, Mr. HALL of Texas, Mr. VALENTINE, Mr. TORRICELLI, Mr. BOUCHER, Mr. BRUCE, Mr. TRAFICANT, Mr. HAMILTON, Mr. NOWAK, Mr. PRICE, Mr. HAYES of Louisiana, Mr. SKAGGS, Mr. JOHNSTON of Florida, Mr. BOEHLERT, Mr. HENRY, Mrs. MORELLA, Mr. BILBRAY, Mrs. BOXER, Mr. COOPER, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MARKEY, Mr. MOAKLEY, Mr. MOODY, Mr. MURPHY, Mr. OWENS of New York, Mr. STARK, Mr. BROWN of California, Mr. PENNY, Mr. ESPY, and Mr. CAMPBELL of Colorado.

H.R. 2037: Mr. CHANDLER and Mr. SUNDQUIST.

H.R. 2531: Mr. HALL of Texas, Mr. HORTON, Mr. HUGHES, Mr. VALENTINE, Mr. ECKART, Mr. ALEXANDER, Mr. WEBER, Mr. SKELTON, and Mr. TALLON.

H.R. 3164: Mr. BARNARD and Mr. HEFLEY.

H.R. 3247: Mr. SMITH of New Hampshire and Mr. ACKERMAN.

H.R. 3292: Mr. GORDON and Mr. QUILLEN.

H.R. 3569: Mr. SHAYS, Mr. MADIGAN, Mr. PAYNE of Virginia, and Mr. ECKART.

H.R. 3700: Mr. FORD of Michigan, Mr. JONES of Georgia, Mr. MILLER of Washington, Mr. MORRISON of Washington, Mr. NEAL of North Carolina, Mr. PORTER, Mrs. ROUKEMA, Mr. SERRANO, and Mr. WASHINGTON.

H.R. 3734: Mr. HILER, Ms. KAPTUR, Mr. LEWIS of Florida, Mr. RAHALL, Mr. HYDE, Mr. MCNULTY, Mr. LAGOMARSINO, and Mr. MADIGAN.

H.R. 4249: Mr. HERTEL, Mr. BEREUTER, and Mr. CRAIG.

H.R. 4308: Mr. JONTZ.

H.R. 4309: Mr. EDWARDS of California, Mr. STARK, Mr. HAWKINS, Mr. ROYBAL, Mr. BATES, Mr. MURPHY, Mr. ACKERMAN, Mr. JONTZ, Mr. BEILENSON, Ms. PELOSI, Mrs. BOXER, Mrs. COLLINS, Mr. EVANS, Ms. SCHNEIDER, Mr. TOWNS, Mr. CLARKE, Mr. LANTOS, Mr. MILLER of California, Mr. LAGOMARSINO, Mr. DE LUGO, Mr. FRANK, Mr. LEWIS of Georgia, Mr. BERMAN, Mr. LEVINE of California, Mr. BONIOR, and Mr. TORRES.

H.R. 4369: Mr. BUECHNER.

H.R. 4389: Mr. BROWN of Colorado and Mr. ROWLAND of Connecticut.

H.R. 4392: Mr. ECKART and Mr. NOWAK.

H.R. 4433: Mr. BUSTAMANTE.

H.R. 4465: Mrs. MEYERS of Kansas and Mr. CHAPMAN.

H.R. 4516: Mr. FOGLIETTA and Mr. LOWERY of California.

H.R. 4618: Mr. NAGLE.

H.R. 4640: Mr. HUGHES.

H.R. 4672: Mr. OWENS of New York and Mr. RANGEL.

H.R. 4680: Mr. DONALD E. LUKENS, Mr. LIVINGSTON, Mr. DANNEMEYER, Mr. RHODES, and Mr. DELAY.

H.R. 4755: Mr. MCMILLAN of North Carolina, Mr. JOHNSON of South Dakota, Mr. COX, Mr. SCHIFF, and Mr. SCHNEIDER.

H.R. 4808: Mr. DELLUMS and Mrs. COLLINS.

H.R. 4850: Mr. MADIGAN, Mr. HORTON, Mrs. COLLINS, Mr. EMERSON, Mr. INHOFE, Mrs. MEYERS of Kansas, and Mrs. MARTIN of Illinois.

H.R. 5185: Mr. CROCKETT, Mr. FOGLIETTA, and Mr. WOLPE.

H.R. 5201: Mr. WATKINS and Mr. ECKART.

H.R. 5231: Mr. TRAFICANT, Mr. TOWNS, Mr. MARKEY, Mr. PALLONE, Mr. SWIFT, Mrs. SAIKI, Ms. SCHNEIDER, Mr. HUGHES, Mrs. UNSOELD, Mr. CONYERS, Mr. GEJDENSON, Mr. BROWN of California, Mr. JACOBS, Mr. WEISS, and Mr. RICHARDSON.

H.R. 5331: Mr. FRANK, Mr. KASTENMEIER, and Mr. HUGHES.

H.R. 5394: Mr. DONNELLY, Mr. FRENZEL, Mr. GUARINI, and Mr. FORD of Tennessee.

H.R. 5423: Mr. ALEXANDER, Mr. RAVENEL, Mr. GUARINI, Mr. LANCASTER, and Mr. JONES of Georgia.

H.R. 5427: Mrs. LLOYD.

H.R. 5429: Mr. OBEY.

H.R. 5443: Mr. EVANS, Mr. STAGGERS, Mr. KYL, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. CONTE, Mr. SABO, Mr. HAYES of Louisiana, Mrs. SCHROEDER, Mr. BILBRAY, and Mr. DE LUGO.

H.R. 5449: Mr. DORNAN of California.

H.R. 5455: Mr. DORGAN of North Dakota, Mr. ANDREWS, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. RAVENEL, Ms. SCHNEIDER, Mr. WEBER, Mr. LANCASTER, Mr. THOMAS A. LUKEN, Mr. HORTON, Mr. DICKINSON, Mr. PACKARD, Mr. PARKER, Mr. ACKERMAN, Mr. FAWELL, Mr. GALLEGLY, Mr. PAYNE of Virginia, Mrs. MARTIN of Illinois, Mr. ROGERS, Mr. CONTE, Mr. BOEHLERT, Mrs. UNSOELD, Mr. JONTZ, Mr. RAY, and Mr. BURTON of Indiana.

H.R. 5475: Mr. BRYANT, Mr. VALENTINE, Mr. WOLF, Mr. BATES, Mr. MAZZOLI, Mr. MACHTLEY, Ms. PELOSI, Mr. WOLPE, Mr. PAYNE of Virginia, and Ms. KAPTUR.

H.R. 5521: Mrs. COLLINS.

H.R. 5538: Mr. BRUCE and Mr. GEPHARDT.

H.R. 5553: Mr. CHAPMAN, Mr. BUSTAMANTE, and Mr. FAWELL.

H.R. 5568: Mr. BONIOR, Mr. CARR, Mr. STOKES, Mr. SCHEUER, and Mr. BOEHLERT.

H.R. 5610: Mr. LAFALCE, Mr. KENNEDY, Ms. PELOSI, Mr. HILER, Mr. MCDERMOTT, Mr. HUBBARD, Mrs. PATTERSON, Mr. DREIER of California, Mr. PAXON, Mr. MCCANDLESS, Mrs. SAIKI, Mr. FRANK, Mr. CARPER, Mr. WEISS, Mr. BEREUTER, and Mr. SAXTON.

H.J. Res. 57: Mr. PARRIS and Ms. PELOSI.

H.J. Res. 127: Mr. CLARKE.

H.J. Res. 476: Mr. BENNETT, Mrs. BOGGS, Mr. DARDEN, Mr. FLIPPO, Mr. HAYES of Illinois, Mr. MOORHEAD, Mr. RUSSO, and Mr. STENHOLM.

H.J. Res. 513: Mr. BROWN of Colorado, Mr. PETRI, Mr. ROBINSON, Mr. DARDEN, Mr. BERMAN, Mr. FAZIO, Mrs. MORELLA, Mr. HAMMERSCHMIDT, Mr. COYNE, Mr. DENNY SMITH, Mr. BARTLETT, Mr. JOHNSON of South Dakota, Mr. STAGGERS, Mr. DORNAN of California, Mr. COOPER, Mr. JONES of Georgia, Mr. HUGHES, Mr. SMITH of New Jersey, Mr. ROWLAND of Connecticut, Ms. SLAUGHTER of New York, Mr. AUCOIN, Mr. KILDEE, and Mr. JENKINS.

H.J. Res. 543: Mr. WILSON, Mr. WYLIE, Mr. WEBER, Mr. THOMAS of Georgia, Mr. SUNDQUIST, Mr. STANGELAND, and Mr. THOMAS of Wyoming.

H.J. Res. 566: Mr. SCHEUER, Mr. NEAL of Massachusetts, Mr. LEATH of Texas, Mr. SPRATT, Mr. SMITH of Florida, Mr. APPLEGATE, Mr. MARTIN of New York, Mr. THOMAS of Georgia, Mr. KOLTER, Mr. BONIOR, and Mr. SUNDQUIST.

H.J. Res. 602: Mr. ANDERSON, Mr. BEVILL, Mr. BILIRAKIS, Mr. BRENNAN, Mr. BROWN of California, Mr. CARR, Mr. CLARKE, Mr. COOPER, Mr. COX, Mr. DARDEN, Mr. DICKS, Mr. GEKAS, Mr. GRAY, Mr. HAWKINS, Mr. HOPKINS, Mr. HOYER, Mr. LANTOS, Mr. LIVINGSTON, Mr. MCEWEN, Mr. MFUME, Mr. MOLLOHAN, Mr. MORRISON of Connecticut, Mr. PANETTA, Mr. STEARNS, Mr. WHITTEN, Mr. ROBERT F. SMITH, and Mr. RUSSO.

H.J. Res. 613: Mr. DORGAN of North Dakota, Mr. BERMAN, Mr. FASCELL, Mr. ANDERSON, Mr. LEWIS of California, Mr. LAGOMARSINO, Mr. BENNETT, Mr. GUARINI, Mr. THOMAS of Georgia, Mr. MFUME, Mr. HOYER, and Mr. TALLON.

H.J. Res. 628: Mr. SKELTON.

H.J. Res. 632: Mr. WALGREN.

H.J. Res. 638: Mr. ANNUNZIO, Mr. ARCHER, Mr. BARNARD, Mr. FASCELL, Mr. FOGLIETTA, Mr. GORDON, Mr. HUBBARD, Mr. LAUGHLIN, Mr. LEVIN of Michigan, Mr. MINETA, Mrs. MORELLA, Mr. OBEY, Mr. ROHRABACHER, Mr. SHAW, Mr. SMITH of Florida, Mr. VENTO, Mr. VOLKMER, Mr. WILSON, Mr. WOLPE, Mr. THOMAS of California, Mr. MARTINEZ, Mr. MACHTLEY, Mr. JONES of Georgia, Mr. LEHMAN of California, Mr. SKAGGS, Mr. RICHARDSON, Mr. COX, Mr. FAWELL, Mr. GRAY, Mr. HUNTER, Mr. KENNEDY, Mr. LEWIS of Florida, Mr. PICKETT, Mr. SHARP, Mr. SHUSTER, Mr. STEARNS, Mr. YATES, Mr. FEIGHAN, Mr. RUSSO, Mr. CARR, Mr. GALLO, Mr. TAUZIN, Mr. DYMALLY, Mr. SUNDQUIST, Mr. GEKAS, Mr. CONTE, Mr. TALLON, Mr. INHOFE, Mr. MCGRATH, Mr. JONES of North Carolina, Mr. HAMMERSCHMIDT, Ms. MOLINARI. Mr. YOUNG of Florida, Mrs. UNSOELD, Mr. WHITTEN, Mr. HATCHER, Mr. HYDE, Mr. LIPINSKI, Mr. SOLOMON, Mr. STUDDS, Mr. TORRES, Mr. WALSH, Mr. SCHUETTE, Mr. SOLARZ, Mr. MORRISON of Washington, Mr. WELDON, Mr. DWYER of New Jersey, Mrs. VUCANOVICH, Mr. PAXON, Mr. BAKER, Mr. GOODLING, Mr. DONNELLY, Mr. EARLY, Mr. DARDEN, Mr. MCCOLLUM, Mr. TAUKE, Mr. PRICE, Mr. ANTHONY, Mr. ATKINS, Mr. BERMAN, Mr. BILBRAY, Mr. BOSCO, Mr. CARDIN, Mr. DEWINE, Mr. DYSON, Mr. FRENZEL, Mr. HANCOCK, Ms. KAPTUR, Mr. LEWIS of California, Mr. MARTIN of New York, Mr. MATSUI, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. OLIN, Mr. OWENS of New York, Mr. PACKARD, Mr. PORTER, Mr. RAHALL, Mr. RANGEL, Mr. RHODES, Mrs. SAIKI, Mr. SCHAEFER, Mr. SPRATT, Mr. STARK, Mr. STUMP, and Mr. WEISS.

H.J. Res. 639: Mr. HUGHES, Mrs. COLLINS, Mr. DICKS, Mr. PAYNE of New Jersey, Mr. HILER, Mr. CLARKE, Mr. MRAZEK, Mr. WYDEN, Mr. MCGRATH, Mr. SCHEUER, Mrs. UNSOELD, Mr. FUSTER, Mr. FROST, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. ROBERTS, Mr. APPLEGATE, and Mr. ANDERSON.

H.J. Res. 646: Mr. NEAL of North Carolina.

H. Con. Res. 264: Mr. NEAL of Massachusetts.

H. Con. Res. 314: Mr. ENGEL.

H. Con. Res. 354: Mr. JONTZ.

H. Con. Res. 356: Mr. LEWIS of Georgia.

H. Con. Res. 368: Mr. LEVINE of California and Mr. OWENS of Utah.

H. Res. 312: Mr. CLARKE and Mr. BERMAN.

H. Res. 396: Mr. ROE.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2798: Mr. SCHUMER.

# EXTENSIONS OF REMARKS

## A CHEMICAL WEAPONS BAN AGREEMENT NOW

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. FASCELL. Mr. Speaker, the achievement of a worldwide ban on chemical weapons must be a top arms control goal for our country. A strong, yet flexible, negotiating mandate, political leadership, and deadlines can help support and achieve that goal.

I want to recommend an authoritative and persuasive editorial written by one of our colleagues, MARTIN LANCASTER. His editorial sets out clearly the need for a multilateral agreement banning chemical weapons. He analyzes the problems which must be overcome and recommends solutions including problems caused by U.S. negotiating policies and compromises possible to free up the logjam caused by those misdirected U.S. positions. The recent U.S. positions on challenge inspections, retaliatory use of chemical weapons, a 2-percent security stockpile, and an 8-year review conference have caused problems at a time when the negotiations were awaiting solutions from the United States. This must change.

MARTIN LANCASTER is a House observer to the chemical weapons negotiations in Geneva and it was in this capacity that he traveled to Geneva in August. One of the most interesting aspects of his visit in August was that he and Congressman JIM MOODY met with three Soviet legislators to discuss their respective funding, oversight, and implementation responsibilites related to the bilateral chemical weapons destruction and nonproduction agreement.

I take our colleague's observation very seriously that our negotiators in Geneva need more negotiating flexibility, more timely instructions, and a problem-solving rather than a problem-causing approach and that new initiatives and leadership are needed to generate the necessary momentum and commitment from other nations to accomplish the important tasks of a worldwide chemical weapons ban.

The article follows:

[FROM THE CHRISTIAN SCIENCE MONITOR, SEPT 12, 1990]

UNITE AGAINST CHEMICAL WEAPONS

(By H. Martin Lancaster)

The Iraqi invasion of Kuwait and the military stand-off in Saudi Arabia have raised the specter of possible chemical-weapons use. But the solution lies in Geneva, where negotiations from 40 countries have been trying for several years to hammer out a worldwide convention to ban chemical weapons. If almost all countries join, there will be a good chance that, in the future, military aggressors will be punished by effective worldwide, sanctions, opposition, and condemnation if they choose the chemical-weapons option.

Soviet and American legislators met recently in Geneva to discuss their two nations' summit agreement to limit chemical weapons. The visit also assessed the progress in the 40-nation negotiation for a worldwide ban on chemical weapons.

The bilateral US-USSR agreement on chemical weapons is healthy, and it awaits approval and funding by the Supreme Soviet and the United States Congress. Soviet legislators were optimistic about fulfilling the terms of the chemical-weapons destruction agreement. But they realize how difficult it will be to fund their chemical-weapons destruction plans considering their other economic priorities. The Soviet legislators desire to enlist US technical support.

On the other hand, the multi-lateral chemical-weapons negotiations seem to be in trouble. Doubt and jealousy accompany most complimentary remarks from other countries about the US-Soviet bilateral achievement. Why did the US and Soviet Union need a bilateral agreement before the multilateral? How can a multilateral agreement be achieved if both the US and the Soviet Union are absorbed in the bilateral arms control process?

The US and the Soviet Union are committed to the multilateral process, but it may take some new initiative and leadership to get commitment from the other nations to accomplish a worldwide chemical-weapons ban.

Some of the remaining problems result from recent American positions on inspections, retaliatory use of chemical weapons, a 2 percent security stockpile, and an eight-year review conference. Many developing, non-aligned countries are concerned about protecting their young chemical industries under a worldwide ban that restricts trade in chemicals. They want assurance that they will receive assistance and protection in case of a chemical-weapons attack. They also want economic and technical assistance for the development of legitimate chemical industries.

The negotiators should strike a compromise to resolve these issues as quickly as possible. Such a final political compromise would probably need a ministerial meeting to bring it into being. A ministerial meeting would give the agreement a high political profile worldwide while pressuring all participating countries to be there for the photo opportunity.

From my discussions with the US and USSR delegations and 14 other ambassadors, I would envision the following compromise package. A review conference after six or eight years should assess progress toward universal adherence to the agreement. The current US position now insists on maintenance of a 2 percent security stockpile of chemical weapons that could be kept after the review conference if the US is unhappy with other nations' adherence to the agreement. A multilateral agreement would have to be drafted to allow all other nations to do the same. Any other course would create two classes of countries, something seen as discriminatory by the neutral countries.

The US will be destroying its stocks over the 10-year period agreed on with the Soviets, so it would have usable stocks up until the end. Perhaps the negotiators could eliminate the 2 percent stock retention, recognizing the reality of the continued stocks during the destruction period.

Retaliatory use of chemical weapons is guaranteed under the 1925 Geneva Protocol and would not necessarily be overridden by the non-use provision in the current draft agreement. If the US insists on a more explicit reiteration of the 1925 reservation, other nations will follow and the agreement will be weakened. The US should remain silent on the possibility of retaliatory use in the convention. Why raise a red flag that threatens the negotiations?

George Bush, as vice president, presented a draft chemical weapons treaty in 1985 and proposed challenge inspections anytime, anywhere as the center-piece of verification. The US has now backed away from that position, stating that challenge inspections should not be allowed near certain installations for security reasons. The British position of challenge inspections with "managed access" offers a compromise solution. Inspectors can be satisfied that no chemical-weapons production is taking place while sensitive areas of certain facilities can be "shrouded." The US should not go back on the Bush proposal without first conducting trial challenge inspections using the perimeter inspection idea to see if it is viable.

The chemical-weapons negotiations in Geneva need new life and new leadership to achieve the goal of a worldwide ban on chemical weapons. Diplomats of the 40 nations in the Conference on Disarmament, led by the US and the Soviet Union, must step forward with skillfully reached compromises to present a final agreement to the world that will attract universal adherence and enthusiastic implementation.

## A BILL TO ESTABLISH AN INTERAGENCY TASK FORCE TO STUDY THE EDUCATION OF FEDERALLY CONNECTED DEPENDENTS

### HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. BUSTAMANTE. Mr. Speaker, today I am introducing legislation that would create an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

39-059 O-91-34 (Pt. 17)

interagency task force for the purpose of reviewing and evaluating the operation and administration of the Impact Aid Program as it relates to the education of federally-connected children, whose parents work and/or live on Federal property.

The Impact Aid Program provides important financial assistance to many school districts in my congressional district in Texas and to many other school districts througout the Nation. San Antonio, TX, has 15 independent school districts and the Impact Aid Program greatly enhances their ability to finance the education of 11,000 federally connected children.

The Impact Aid Program is authorized under Public Law 81-874. It was enacted to ensure that federally connected children and non-federally connected children in districts where the Federal Government maintained a presence are receiving an education at last equal to the national or State average, as measured by the per pupil expenditure. Many of our communities welcome investments by our Federal Government from military installations to national forests. The Federal Government provides jobs and supports the local economic base of our towns and cities. However, the beneficial aspects of Federal installations may actually retard the ability of local school districts to finance the education of federally connected children. School districts receive the bulk of their revenue from residential and commercial property taxes. Federal property is nontaxable; therefore, to the extent that the student population comes from untaxed property, there are costs placed on local school districts for which there may be insufficient revenues. In 1950, Congress enacted the Impact Aid Program to alleviate this financial burden on the school districts which serve federally connected students.

Up until 1982, the Impact Aid Program was sufficiently funded. Since 1982, however, funding for the program has dropped by about 25 percent in real terms. Appropriations have not kept pace with inflation in the education sector. Also, the Department of Education later changed payment methodolgies under the act which resulted in reduced payments to school districts in some of the most heavily impacted communities. To make up for reduced funding levels, local communities are having to underwrite the unfunded costs of educating federally connected students, and/or school districts have had to curtail educational programs. In San Antonio, three school districts have no local tax base. The reductions in impact aid payments have thrown these school districts into a fiscal crisis, and their ability to keep schools open in the near future is questionable.

The problem of underfunding in the Impact Aid Program led to efforts by some Members of Congress, including myself, to seek alternative sources of funding as a means of supplementing impact aid payments to school districts. Earlier this year, several Members joined me in urging the Defense Department to exercise its discretionary authority to provide up to $10 million in order to supplement impact aid payments to needy school districts, severely burdened by military impaction. Even though the Department of Defense is on record as supporting increased impact aid payments to militarily impacted districts, it declined to exercise this authority. According to the Department of Defense, the funding problem facing military impacted districts is a problem for the Department of Education.

For those who are familiar with the administration of the Impact Aid Program, it is well known that there is very little interagency coordination between the Department of Education and the Department of Defense in addressing the fiscal needs of local communities and school-age military dependents. Even though DOD is on record as being committed to cooperating with Department of Education, there is little evidence to suggest that such interagency cooperation is actually taking place.

The bill I am introducing today, Mr. Speaker, proposes the establishment of an interagency task force involving the Department of Education, the Department of Defense, the Department of Interior and the Department of Housing and Urban Development. These departments have key constituencies who are dependent on the Impact Aid Program. The task force would serve as a formal consultative mechanism for the purpose of reviewing the adequacy of the program. The interagency task force would be responsible for:

Reviewing the adequacy of impact aid funding to heavily impacted school districts.

Determining whether military dependents attending public schools on military installations in the United States receive educational opportunities equal to that of nonmilitary dependent students in comparable school districts;

Assessing whether children residing on Indian lands receive educational opportunities of the same quality as that of students in other school districts and those funded by the Bureau of Indian Affairs;

Examining the need for the establishment of priorities in the funding of impact aid programs affecting federally affected children; and

Making other recommendations for improvement as deemed appropriate.

Besides representation from the key executive branch departments, membership on the task force would also include representatives from other governmental and nongovernmental organizations as considered appropriate by the secretaries of the four departments.

The Impact Aid Program is scheduled for reauthorization 3 years from. The task force I propose could make a valuable contribution for making improvements in the Impact Aid Program when Congress begins consideration of reauthorizing legislation in 1993.

Too little time remains in this session of Congress for this measure to be considered. I am, however, hopeful that my colleagues will lend their support to this measure next year when a new Congress convenes and that the Committee on Education and Labor will give early consideration to the proposal in the 102d Congress.

## TRIBUTE TO MAHONING COUNTY, OH

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mahoning County of my 17th Congressional District of Ohio, which has been approved as a designated bicentennial community by the Commission on the Bicentennial of the U.S. Constitution.

Many events and activities have been scheduled for this monumental celebration. To kick off the festivities a parade will begin at 11:30 on September 17. The parade route will begin at Federal Plaza East and will end at the Mahoning County Courthouse. Participating in the parade will be a color guard, local school bands, and city, village, and township officials. The highlight of the celebration will be a swearing in ceremony for new U.S. citizens. Following the ceremony a reception sponsored by the India Association of Greater Youngstown will be held in the courthouse rotunda.

I am honored to represent a county that has been chosen as a bicentennial community. Mahoning County is a shining example of an all-American community. It is essential that we as Americans recognize the virtues of living in a free and democratic society, and celebrate our past and the traditions and beliefs that our great country is based upon.

It is with great pride that I once again congratulate Mahoning County, OH on its selection as bicentennial community. I am honored to represent these outstanding American citizens.

## AN EXAMPLE TO MANKIND

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. SOLARZ. Mr. Speaker, at a time when the headlines of the day are filled with news about conflict in the Middle East, I think it is important that we pay tribute to a historical event which clearly indicates that it is possible for people of different creeds to live together peacefully under one flag.

For most Americans, the mention of the year 1492 sparks thoughts of Christopher Columbus' discovery of North America. However, few people know that at the same time Columbus sailed west, seeking riches and glory in the name of Spain, there were others who were fleeing for their lives from that country, driven by the senseless and cruel religious persecution of the Inquisition. These individuals were Sephardic Jews, who were welcomed into the overwhelming Islamic society of the Ottoman Empire by the Sultan Bayezid II and settled in its capital Istanbul.

The Sultan's actions predate by almost four centuries the American immigrant ideal, emblazoned on the Statue of Liberty, which eloquently states "give me your tired, your poor, your huddled masses yearning to breathe free." However, his actions were worthy of that high standard. Specifically, he ordered his provincial governors "not to refuse the Jews entry or cause them difficulties, but to receive them cordially," and added that "Spanish Jews are received with full sincerity and those who behave otherwise and treat the new immigrants badly are [to be] punished at once." The Sultan was later reported to have said, "The Catholic monarch Ferdinand * * * impoverished Spain by the expulsion of the Jews, and enriched Turkey."

The 500th anniversary celebration of that gracious humanitarian act, and the ensuing flowering of the Jewish community and its culture in Turkey, is now being organized by the Quincentennial Foundation and its president, Jak Kahmi. This organization has planned an ambitious 3-year program of conferences, exhibitions, symposiums, and studies designed to highlight the 500 years of harmonious cooperation between Turks and Jews.

To better put the Sultan's act of humanitarianism in its proper perspective, it should be remembered that the Spanish Jews, who were willing to sacrifice everything for the sake of their beliefs, were welcomed with open arms by a country where the population was overwhelmingly different in terms of language, religious, race, and culture. Clearly, as the Quincentennial Foundation notes, the embrace of the Spanish Jews by the Government and the people of the Ottoman Empire, and later, modern Turkey, is an ongoing demonstration of the highest ideals of human existence. Therefore, I think it is quite fitting that the Quincentennial Foundation has adopted as its slogan "An Example to Mankind."

In the five centuries which have passed since 1492, the community of Turkish Jews has grown and flourished, living peacefully side-by-side with their Moslem neighbors. Joined by their brethren fleeing oppression in other countries in Europe, the community expanded as word spread that Turkey was a safe haven for Jews fleeing all too frequent pogroms. This tradition has continued into modern times, as demonstrated in 1935 by the invitation of Kemal Ataturk, the founder of modern Turkey, to prominent German Jewish professors fleeing the scourge of Nazism. While most of the world turned its back on the Jews and condemned them to the horrors of the Nazi genocide, Turkey welcomed them much as they had in 1492. While much of the Jewish communities in neighboring European countries were being exterminated by the Nazis and their allies, the Jews of Turkey remained secure.

Jewish culture in Turkey also continues to flourish. During the years of the Ottoman Empire, Turkish Jews regularly served as physicians to the Sultan. Additionally, Ottoman diplomacy was often carried out by Jews, such as Salomon ben Nathan Eskenazi, the diplomat who negotiated the first diplomatic ties between the Ottoman Empire and the British Empire.

Moreover, in the free air of the Ottoman Empire, Jewish literature prospered. Joseph Caro compiled the "Shulhan Arouh." Shlomoha-Levi Alkabes composed the "Lekhah Dodi," a hymn which welcomes the Sabbath according to both Sephardic and Ashkenazi ritual. Jacob Culi wrote the famous "Me-am Lo'az." Rabbi Abraham ben Issac Assa became known as the father of Judeo-Espagnol literature. Throughout the centuries, a conscious effort has been made to preserve the heritage of Judeo-Espagnol, both in the spoken and written word, and today, the weekly newspaper Shalom continues to be published by and for the Jewish community in Istanbul.

Sixteen synagogues, including Ahrida in the Balat area which dates from Byzantine times, continue to serve this vibrant community. Ably led by the Chief Rabbi, Rav David Asseo, a religious council made up of a Rosh Bet Din and three Hahamim, and 35-lay counselors who handle the secular affairs of the community, the Jews of Turkey have many accomplishments for which they have the right to be proud.

I believe it is entirely appropriate that we in the United States do what we can to make sure the 500th anniversary of the pivotal offer of asylum to the Jews of Spain is successful. I hope that my colleagues and the American people will recognize the importance of this event, and do what they can to make sure that this shining example of tolerance is placed in the pantheon of noble human acts in history.

## OPPORTUNITIES ABROAD

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. ROTH. Mr. Speaker, a global, marketplace is emerging in the 1990's and even the smallest companies will be affected. We have a new Europe, a Pacific Rim that is more dynamic than ever and northern and southern neighbors thirsting for trade opportunities. On Friday, September 7, 1990, I sponsored the Eighth Annual Great Lakes Conference on Exports and Business Development in Appleton, WI. There were well over 900 CEO's, small business people, international experts, and students. As evidenced by the tremendous response from business people from all over the Mildwest and even from Europe, I know Americans are ready to conquer this new world.

Export sales have increased in the United States in the last 4 years. This is a result of the strong growth of foreign markets; the changing value of the dollar, which makes American exports more competitive in price; and the improved quality of U.S. products. This growth in international trade will serve as a positive impact on the American economy.

The central economic issue for the United States is how to generate further growth. Currently, two-thirds of our gross national product is driven by domestic consumer consumption. Much of this has been fueled by consumer financing. Further growth will depend on new markets for our goods and services. And those new markets are abroad. Exports, then, are crucially important to America's future.

Recently available Government data for 1987 are instructive. By 1987, exporting had pushed the growth rate on export-related jobs higher than that of jobs related to domestic consumption. Although exports represented 6.2 percent of total U.S. civilian jobs in 1987, they accounted for 15.3 percent of employment growth. For every $45,450 worth of export sales, another American job is created. Exporting also creates jobs indirectly. Export job growth creates jobs for insurers, truckers, and dock workers for example. In fact, for each job directly generated by exports, two more are indirectly supported.

This is good news for the small businessperson. They have the most to gain from exporting. The Small Business Administration found that 88 percent of manufacturing companies that export products have fewer than 500 employees, and 3 out of 5 have less than 100 employees. However, only a fraction of those firms that could profitably offer a product or service abroad are now engaged in international marketing. Exporting means increased sales and profits, offsetting seasonal demands, building and international image, and providing small businesses with a competitive edge. In fact, small businesses have a distinct advantage over the large corporations when it comes to exporting. They are able to meet the needs of their customers much more easily and quickly and they prove to be more flexible to the requirements of their foreign client.

With participation in foreign markets, small businesses will grow. A business with 10 employees who receives a large order from an overseas business will have to hire 10 to 20 more people to fill it. They will have to hire administrative professionals, trafficking and distribution experts, lawyers, and someone just to do the export paperwork.

I was very honored to have some very special guests at the Great Lakes Conference. J. Peter Grace, cochairman of Citizens Against Government Waste and head of the Grace Commission, talked on the importance of the "twin peaks," the trade deficit, and the budget deficit, and how interest rates link the two. The Japanese are borrowing at 3 to 3½ percent while Americans are paying three times that much. These interest rates hurt trade.

Also joining me was Clyde Prestowitz. As a former ranking official in the Department of Commerce and now the head of the Economic Strategy Institute, Mr. Prestowitz, had some very good advice to offer the over 900 attendees. To remain competitive with the Japanese, we must all work together. The "cold" war is over. Today, the threat is a "trade" war.

Susan Engeleiter, head of the Small Business Administration, pointed the small business people in the right direction to begin exporting. She encouraged owners of small businesses by stating that size was not a factor in competing in the international market. Small businesses are among the Nation's most valuable, untapped resources for helping restore

the United States' balance of trade with other countries.

What made this conference the best in the country is that it gave the "how to's" to both small and large businesses. American business people are ready to challenge the new world. Given the opportunities that are out there today, our country has no choice but to succeed.

## CONTINUED FUNDING FOR ASPJ

### HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. McMILLEN of Maryland. Mr. Speaker, today I rise to commend the Committee on Armed Services and its chairman, LES ASPIN, for its decision to continue funding for the testing of the airborne self protection jammer [ASPJ].

As many of my colleagues may know, the Air Force decided to cut funding for ASPJ despite the fact that such a decision was not justified by economic or military reasons. Having already spent $600 million on testing and production, with only $12 million needed to finish testing, the Air Force's decision to cut ASPJ from their budget was irresponsible. At the time of their decision, the Air Force maintained that less expensive alternative defense systems, such as decoys, could replace ASPJ. However, decoys cannot provide effective forward-looking defense like ASPJ. Even worse, decoys can potentially place the lives of American pilots and their billion dollar aircraft at risk by inducing the firing of missiles.

The action of the Armed Services Committee to restore authorization of the ASPJ Program was based on a recognition of the needs of the Air Force in the 1990's. I commend their efforts and congratulate them on a job well done.

## HONORING CHRIST THE KING LUTHERAN CHURCH, GROSSE POINTE WOODS

### HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in celebrating the 50th anniversary of Christ the King Lutheran Church in Grosse Pointe Woods, MI. Since its inception in 1940, this institution of God has been dedicated to serving the Grosse Point community.

In 1940, the English district of the Lutheran Church, Missouri Synod, founded a preaching station in the Grosse Pointe Woods community to bring the word of God and the teachings of the Lutheran Church to the people. Pastor Wilbert C. Burmeister guided the church in its initial years, and it is in large part his hard work that secured a position in the community for the Lutheran Church.

In 1947, the church founded its permanent residence with God in the heart of Grosse Pointe Woods. The dedication of a tudor gothic-style chapel with attached bell tower marked a new beginning for a growing church. The property and building have remained a sanctuary of beauty, peace, and serenity during a time of growth and development of the business and residential community.

Through the next 40 years, Christ the King Lutheran Church was blessed by the pastorial leadership of Rev. Walter J. Geffert and later by Revs. Joseph P. Fabry and Randy S. Boelter. These men guided the church to a leading role in the Grosse Pointe community.

The growth and leadership of Christ the King affected all facets of its existence. Membership enrollment of all ages has increased, especially for young people. The increase in young parishioners prompted Christ the King to establish a preschool in 1986. Today, with an enrollment of over 40 children, the Christian values of the church will continue to the next generation.

October 21, 1990, marks the final worship service commemorating the 50th anniversary of Christ the King Lutheran Church. My dear colleagues, I ask you to join me in congratulating the Lutheran community of Grosse Pointe in their 50 years of dedicated service to the parish of Christ the King Lutheran Church.

## DIRECTOR OF THE NATIONAL INSTITUTE OF MENTAL HEALTH OPPOSES PROVISION IN THE FISCAL YEAR 1991 DEFENSE BILL PROPOSING TO CUT MENTAL HEALTH BENEFITS UNDER CHAMPUS

### HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. BUSTAMANTE. Mr. Speaker, I wish to call my colleagues' attention to a provision contained in H.R. 4739, the National Defense Act for fiscal year 1991, which drastically restricts payments under the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] for mental health benefits.

Under current law, families under the CHAMPUS Program are allowed up to 60 days inpatient psychiatric care annually and no limit on days for treatment at psychiatric residential treatment centers. The proposal contained in H.R. 4739 would cut inpatient psychiatric care to 30 days annually, and residential treatment center coverage would be limited to 90 days annually.

Health care costs under CHAMPUS are escalating, and the Armed Services Committee is groping for ways to contain the rate of increase. Increases in mental health care have a significant impact on overall health care cost increases under CHAMPUS. The committee has looked at the issue of health care cost increases under CHAMPUS; however, I submit to my colleagues that these hearings did not specifically focus on the mental health care cost increases. The cost increases in mental health are misleading because the majority of mental health care is generally not provided on base, while other general health care is. This makes inpatient psychiatric costs under CHAMPUS look proportionately higher than other general health care costs.

The changes proposed in this bill have not been subject to any impact analysis. Additionally, the Armed Services Committee has not taken into account the major cost-control measures recently put in place for inpatient psychiatric care. The cost-control measures include:

Per diem caps on inpatient psychiatric care and regional rates; and

Precertification and concurrent review programs for all inpatient psychiatric care.

These restrictions prevent inappropriate hospitalization, limit unnecessary days of care, and hold down overall per diem rate increases. The proposal contained in H.R. 4739 ignores these efforts at health care cost containment. As I did during subcommittee and committee consideration of this bill, I object to the inclusion to reduce CHAMPUS mental health coverage.

Before the House began its deliberations on H.R. 4739, I wrote to Dr. Lewis L. Judd, Director of the National Institute of Mental Health, requesting his veiws on the proposal to cut CHAMPUS mental health benefits. Dr. Judd opposes the benefit cut proposed in this bill. His position is consistent with his belief that containing health care costs by imposing "scientifically unfounded limits on treatment for mental illness * * * " is not in the best interest to either patient psychiatric care or to controlling costs.

I commend my colleagues to read Dr. Judd's letter which follows my statement. In the meantime, I will work to reduce the severity of the CHAMPUS mental health benefit cut when the House and Senate meet in conference to forge a compromise Defense Authorization Act for Fiscal Year 1991.

DEPARTMENT OF HEALTH & HUMAN SERVICES, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION,

*Rockville, MD, September 10, 1990.*

Hon. ALBERT C. BUSTAMANTE,
*House of Representatives, Washington, DC.*

DEAR MR. BUSTAMANTE: I am responding to your letter of August 17 requesting information regarding the recently Committee approved fiscal year 1991 Defense Authorization Bill provision calling for cuts in inpatient psychiatric hospital benefits and limits on residential treatment centers relative to the CHAMPUS program. We are, of course, quite concerned with these possible actions which I understand were not proposed by the Administration. I have spoken recently about the need to end the unfair and scientifically unfounded limits on treatment for mental illness as compared to other illnesses. I support parity between treatment for mental illnesses and treatment for other illnesses.

The National Institute of Mental Health is primarily a research institute. We have supported research on the financing of

mental health care and interpret that research to indicate that arbitrary benefit limits may not be the best approach to either psychiatric treatment or to controlling costs. It is of further interest to note that Medicare coverage for mental illness has, in fact, been expanded in recent years so that the limits on outpatient mental health care have been eliminated. This recognizes that mental illnesses are much like all other illnesses with a combined need for acute care, sometimes hospitalization, and often continual contact for chronic conditions.

Due to the short time you have to respond to this situation, I wanted to answer your letter quickly and express my opposition to the efforts to change CHAMPUS coverage in such a drastic manner. I will also ask my staff to contact your office to provide materials and information which might be helpful in your effort to support adequate mental health coverage for CHAMPUS beneficiaries. For further information, you may wish to contact Bernard S. Arons, M.D., Associate Director for Mental Health Financing in the Division of Biometry and Applied Sciences, telephone (301) 443-4233.

Sincerely yours,

LEWIS L. JUDD, M.D.,
*Director,*
*National Institute of Mental Health.*

## DIPLOMATIC PROGRESS ON CAMBODIA

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. SOLARZ. Mr. Speaker, I would like to bring my colleagues up to date on the significant progress that has occurred in recent weeks towards a peaceful settlement of the conflict in Cambodia.

On August 28, the five permanent members of the United Nations Security Council—the United States, the Soviet Union, Britain, France, and China—reached agreement on a framework for peace in Cambodia. This agreement, if implemented, would end the fighting, introduce a U.N. peace-keeping force, verify the withdrawal of all Vietnamese forces, terminate the external supply of arms to the Cambodian factions and disarm their forces, and facilitate an internationally supervised free and fair election.

In and of itself, this agreement is great diplomatic achievement. It demonstrates that the Soviet Union and China want to put the Cambodian conflict behind them. Moreover, the permanent five formula meets the minimum interests of all parties to the conflict without requiring any to accept total defeat. And it is an approach that, better than any other available option, promotes the principal American objective concerning Cambodia—preventing the genocidal Khmer Rouge from returning to power. The permanent five formula is, without a doubt, the last best hope for peace in a land that for decades had known no peace.

Yet, even as the permanent five were reaching their consensus, it was obvious that unless the four Cambodian factions—the Phnom Penh regime, the Sihanoukists, the Khmer People's National Liberation Front, and the Khmer Rouge—all agreed to adopt the framework in toto as the basis of their own discussions, there would be no peace. Moreover, if the factions did not agree to form a Supreme National Council, which would be the repository of Cambodian sovereignty and a key ingredient of the U.N. plan, there would be little hope of a peace settlement, much less peace itself.

On September 10, in Jakarta, however, the four factions did agree to form a Supreme National Council. And they did agree to accept the permanent five framework as the basis for discussions.

For sure, the agreements reached do not constitute a settlement that can be put into effect tomorrow. There are issues which remain to be worked out. Yet compared to where the Cambodia issue was only a few months ago, the events of the past 2 weeks represent tremendous progress. Finally, we have turned a corner. Before, we were simply walking into a blind alley.

As President Kennedy was fond of saying, "Victory has a thousand fathers and defeat is an orphan." There are many individuals who have contributed to the success to date of this effort. Among those who deserve great credit are:

Australian Foreign Minister Gareth Evans, whose advocacy of a U.N. interim authority for Cambodia first broke the diplomatic logjam; the Foreign Ministers of France and Indonesia, the co-chairs of the Paris Conference on Cambodia, who convened this week's Jakarta meeting, and who worked tirelessly for its welcome outcome; Rafeeuddin Ahmed, the U.N. Secretary General's Representative on Cambodian Issues, who, with his staff, has played an important role in supporting the permanent five negotiations.

Yet the unsung heroes of the success of the last 2 weeks are officials of the Bush administration, who have worked quietly and persistently to broker this Cambodia compromise. Among those who deserve recognition, along with their staffs, are:

Secretary of State Baker; Under Secretary Kimmitt, today's witness; Richard Solomon, Assistant Secretary of State for East Asia; John Bolton, Assistant Secretary of State for International Organizations; Karl Jackson of the National Security Council Staff; David Lambertson, and Kenneth Quinn, the former and current Deputy Assistant Secretaries of State for East Asia with special responsibility for Indochina; and Charles Twining, head of the Office of Vietnam, Laos, Cambodian Affairs, who first revealed to me the horrors of Khmer Rouge genocide.

There may never be peace in Cambodia. All Americans hope that a settlement can be reached. But if there is no peace in Cambodia, it will not be because men and women of good will did not do their best.

## MEDICARE PROGRAM CUTS

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. ROTH. Mr. Speaker, I am very concerned about reports that the budget negotiators are planning to make drastic cuts in the Medicare Program. The Democrats apparently have proposed cutting $72.3 billion from the Medicare Program over 5 years. Under this plan, half of all non-Defense spending cuts would come from the Medicare Program.

We all agree on the need to reduce the deficit. However, I strongly disagree with those who want to slash Medicare funding to balance the budget. How can anyone propose that we jeopardize the Medicare system, which is so vital to millions of seniors across the Nation? There are many other areas were Congress can cut spending, such as on our foreign aid programs.

Just last week, the President addressed a joint session of Congress. He told the Nation that the burden of reducing the deficit "should not be excessive for any one group of programs or people."

Yet by targeting the Medicare Program for 50 percent of the domestic spending cuts, the negotiators are actually trying to balance the budget on the back of senior citizens. No other group has been asked to bear this kind of burden.

We cannot allow this to happen. The health and well-being of our senior citizens is too important to sacrifice as part of a budget deal. In fact, our Government must make it a top priority to ensure that seniors have access to high quality, affordable health care.

That is why we should be concentrating on ways to improve the Medicare Program, not destroy it. I have cosponsored legislation to add new preventative health care services for Medicare patients, such as physical exams and early screening tests. This will help spare people from the suffering and expense that can accompany medical conditions that are left untreated for too long.

I have voted against past cuts in Medicare that the majority has forced through. Unfortunately, it looks like they are going to try once again to slash the Medicare Program.

Today I am calling on the negotiators to reject any plans that unfairly burden senior citizens, and instead focus on ways to cut wasteful spending. We owe the seniors of this Nation nothing less.

## TRIBUTE TO ROBERT W. BARLOW

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Robert W. Barlow, a lifelong

member of the United Auto Workers [UAW] in my 17th Congressional District of Ohio.

Born in Manchester, England, Mr. Barlow began work at General Motors' Lordstown plant in 1970. Upon his transfer to the Lordstown plant, Bob joined the UAW where he immediately began his dramatic ascendency to a leading position within the hierarchy of the union. Within UAW Local 1714, Bob has served in many capacities: The first shop chairman, vice president, alternate committeeman, and chairman of the by-laws committee. By 1976, Bob was appointed first vice chairman of the Columbiana, Mahoning, and Trumbull Counties UAW Community Action Program, representing UAW Locals 1112 and 1714, a position he held until 1982 when he was appointed chairman. In 1983 he was elected to remain in that capacity and again in 1986 and 1989 by acclamation.

It is truly an honor to pay tribute to the dedication of Mr. Robert Barlow to the UAW in my 17th Congressional District of Ohio. Mr. Barlow's devotion to the labor movement, UAW, and community in which he lives is a fine example of civic-minded duty and should stand apart as an example of the greatness of the labor movement throughout Ohio.

Again, I would like to honor Mr. Barlow for his dedication to the labor movement and wish him success with all of his endeavors in the future.

## TEXTILE BILL

### HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. VALENTINE. Mr. Speaker, I rise today to share a letter I received from Vera Farmer, a constituent of mine from Spring Hope, NC.

Like many in our country, Vera is worried about losing her job. For once, however, we in this Chamber can help Vera keep her job. Vera is a textile worker.

Mr. Speaker I would like to read a passage from Vera's letter:

I have seen my friends lose their jobs when their factory closed, and I know that my job may be next.

There are so many unemployed garment workers in my community that supermarkets, clothing stores and drugstores have closed.

My friends, who were so proud to work and be independent, now need help from government and social services. But we don't want that kind of charity—we want our jobs.

Without your help, our industry will be destroyed by imports.

Vera's last sentence is my request of all Members of this body,

Please vote for the Textile, Apparel and Footwear Trade Act of 1990 and keep Amerians working.

SPRING HOPE, NC,
*September 7, 1990.*

DEAR REPRESENTATIVE CONGRESSMAN TIM VALENTINE: I am a garment worker and a member of the International Ladies' Garment Workers' Union. I am writing to urge you to help save my job, and make it possible for me to support my family, by voting for the Textile, Apparel and Footwear Trade Act of 1990 (S. 2411/H.R. 4328).

I have seen my friends lose their jobs when their factories close, and I know that my job may be next. Our layoffs are getting longer and longer, and when factories close, it is harder and harder to find another job.

There are so many unemployed garment workers in my community that supermarkets, clothing stores and drugstores have closed. My friends, who were so proud to work and be independent, now need help from government and social services. But we don't want charity—we want our jobs.

Without your help, our industry will be destroyed by imports. Please vote for the Textile, Apparel and Footwear Trade Act of 1990 and keep Americans working.

Sincerely,

VERA FARMER.

## TRIBUTE TO TOM BROCKWAY

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. LAGOMARSINO. Mr. Speaker, I rise today to briefly advise the House that a good friend, husband, father, and civic leader has passed away. Tom Brockway was a loyal citizen who made a career of protecting our Nation from harm. A veteran of the U.S. Army Air Force in World War II, he was awarded the Distinguished Flying Cross and the Air Medal for his services with the 505th Bomb Group in the Pacific theater.

After graduating from Loyola University, he joined the Lockheed Corp., where he was employed for 37 years. In 1958, he moved to Arroyo Grande, CA, becoming one of the founding group for Lockheed at Vandenberg Air Force Base, where he worked until his retirement 2 years ago. He was actively involved in our Nation's defense and space program for over 30 years.

A long-time member of St. Patrick's Catholic Church, Tom participated in the development of St. Patrick's school, which was attended by his seven children, and chaired fundraising campaigns for Marian Medical Center in Santa Maria. He was active in the Santa Maria and Five Cities Elks Lodges, and was a senior active Rotarian. Tom also held various positions in the United Way Campaign, the Boys Club, and the Cal Poly President's Roundtable.

I know that the Members of the House join me in expressing our condolences to Tom's wife, Ruth, as well as our gratitude for the many ways that he enriched our lives here on the central coast. He will be missed but not forgotten.

## RESOLUTION CALLING FOR THE PRESIDENT TO CONVENE AN ENERGY SUMMIT

### HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. WEISS. Mr. Speaker, I am introducing legislation today calling on the President of the United States to convene an energy summit to discuss and establish national goals for the use of renewable and nonrenewable energy resources for the year 2000.

In the weeks following the Iraqi invasion of Kuwait and the subsequent United Nations embargo of Iraq, the United States faced—and still faces—a possible shortfall in oil imports of nearly 1 million barrels a day. As President Bush admitted, the United States once again is excessively dependent on foreign oil. As threatening as the immediate impact of the U.N. embargo is on the energy needs of the U.S. economy, the Persian Gulf crisis points out the need for a clearsighted policy of energy use in the United States.

I believe an energy summit, to be held before the end of 1991, could be a useful forum in which to address the Nation's energy problems, prioritize them, and offer solutions to them.

Just as the education summit last year established national goals for the American education system, the energy summit would come forth with general policy goals regarding this Nation's energy use and how to go about creating greater energy efficiency in the United States.

One irony about the oil crises in the 1970's is that the Federal Government took strides to wean the United States of an excessive dependency on foreign oil. But the lure of cheap foreign oil in the 1980's led the Federal Government to neglect these programs that promote energy efficiency and conservation. Now, the United States imports about half the oil it consumes. It seems the lessons of the past are to be relearned.

I believe a sound policy of energy efficiency and conservation, set forth at an energy summit, could do much to set the United States on the path to developing energy resources that reduce the amount of oil the United States imports. Indeed, energy efficiency is important for the national security, U.S. economic stability, the health of U.S. citizens, and the environment.

Let's make energy efficiency and conservation a national priority—again—and this time, let's keep it that way.

The text of the resolution is as follows:

H. CON. RES. 371

Whereas the United States imported nearly half of the oil it consumed in early 1990;

Whereas the crisis in the Persian Gulf has cut off an important supply of oil to the United States and disrupted the United States' domestic economy;

Whereas the rise in oil prices in the United States resulting from the Iraqi inva-

sion of Kuwait on August 2, 1990, and the subsequent United Nations embargo against Iraq, represents the 3d significant rise in oil and fuel prices in the United States since 1989;

Whereas other significant oil price increases came after the Exxon Valdez ran aground in Alaskan waters in March 1989 and during the severe cold weather of December 1989;

Whereas the United States' dependency on foreign oil could be significantly reduced through energy efficiency and conservation measures;

Whereas energy efficiency is important in ensuring the Nation's economic stability, promoting the national security, ensuring the health and well-being of the people of the United States, and protecting the environment of the Nation and the world;

Whereas the Federal Government's energy efficiency and conservation programs received severe budget cuts throughout the 1980's;

Whereas the Federal Government is a major consumer of the Nation's energy resources;

Whereas programs to promote energy effiency within the Federal Government and programs undertaken by the Federal Government to encourage and promote energy efficiency throughout the Nation are an integral part of reducing the United States dependency on foreign oil; and

Whereas other industrialized nations have adopted policies aimed at encouraging the efficient use of energy resources: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the legislative and executive branches share the responsibility of developing and overseeing energy efficiency and conservation policies. In furtherance of meeting that responsibility, the Congress—

(1) calls on the President to convene, before the end of 1991, a national energy summit to discuss and formulate new priorities and firm goals for the use of renewable and nonrenewable energy resources in the United States by the year 2000;

(2) urges the President, when convening the national energy summit, to include experts on energy and the environment from the Administration, the private sector, State and local governments, and the Congress;

(3) urges the President to utilize the energy summit to—

(A) explain to the people of the United States the current state of energy supplies in this Nation and the world, and the rate of energy consumption in the United States;

(B) set goals to be attained for future energy efficiency and consumption;

(C) renew the United States' commitment to a national policy of energy efficiency;

(D) provide information to the people of the United States regarding issues of energy efficiency and conservation;

(E) adopt measures to make the Federal Government among the most efficient consumers of the Nation's energy sources; and

(F) set forth energy efficiency policies and measures that, in the event of an energy crisis, would protect the United States economy from volatile swings in the world energy prices; and

(4) believes the National Energy Strategy, being developed by the Department of Energy, should be an important part of the discussion of the future of energy efficiency and consumption in the United States at the energy summit.

## PROTECTION OF THE AMAZON RAIN FOREST

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. ROTH. Mr. Speaker, The Amazon rain forest region of Brazil is a natural resource of unparalleled abundance. House Joint Resolution 431 seeks to encourage and support conservation efforts initiated by Brazil to protect the Amazon rain forest.

My good friend from Virginia, Mr. WOLF, deserves our thanks for his leadership on this important issue and the introduction of this measure. All of us should commend any efforts to encourage and promote conservation in the Amazon region of Brazil.

Some 15 percent of the great Amazon rain forest has already been burned and this deforestation continues at the rate of 74,000 acres per day. As the rain forest shrinks, the Earth's ability to replenish its oxygen supply and sustain plant and animal life also diminishes. This rapid and tragic deforestation must be arrested quickly.

The remaining 600 million acres of Brazilian rain forest accounts for 30 percent of the world's tropical forests. The Amazon River contains 18 percent of the Earth's fresh river water resources. This rich environment contains plant and animal species that number in the tens of thousands.

Amazonia is also home to several indigenous South American indian tribes whose continued existence is threatened by the destruction of their native land.

We have a responsibility to cooperate with and promote efforts to preserve this international treasure. Further, we must be vigilant and judicious regarding our involvement in projects which may place additional pressure on the Amazon rain forest. It simply makes no sense to spend U.S. taxpayer money on foreign aid projects which destroy the environment.

The Inter-American Development Bank's suspension of a $58.5 million loan to Brazil for a road construction project which failed to protect the destruction of the forest and Indian lands was a prudent move to register concern about the Amazon ecosystem.

The Brazilian people are now taking some meaningful steps to help conserve Amazonia and it's appropriate for us to applaud and support those efforts. The natural abundance of the Amazon—the rain forest, the thousands of animal and plant species, the tremendous natural fresh air and water resources—must be preserved.

My colleague, FRANK WOLF, is to be commended for making the themes of this legislation—international cooperation and concern for the environment—the watchwords of our international environmental policy. Preventing the degradation of global environmental treasures will require the highest level of international cooperation. All of us living on this planet have a responsibility to each other to protect the environment for future generations.

We should all remember that we haven't inherited the Earth from our parents, we're merely borrowing it from our children.

## THE QUESTIONING OF JUDGE SOUTER

### HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. HUBBARD. Mr. Speaker, I share with my colleagues an excellent editorial which appeared in the Saturday, September 15, 1990, edition of the Paducah Sun.

Don Gordon, the newspaper's editorial page editor, has expressed views which are similar to mine with regard to the questioning of Supreme Court nominee Judge David Souter.

Mr. Speaker, a candidate for a circuit judge's seat in McCracken County, KY, would not be allowed to campaign for the bench by promising to decide on a given issue in a presupposed manner. We should insist that these same standards be followed in selecting our next Supreme Court Justice.

The editorial follows:

GRILLING OF SOUTER ON ABORTION IMPROPER

The lawyers on the Senate Judiciary Committee probably would find it a breach of ethics, if not the law, if a candidate for judge in any of their states were to campaign on a promise to rule one way or another on a specific issue.

Yet that is precisely what they are trying to demand of Supreme Court Justice-Designate David Souter in current hearings.

Their pounding on the question of abortion is aimed at revealing to the senators whether he ultimately will provide a vote on the high court for the overturning of Roe vs. Wade.

So far, Judge Souter has deftly stonewalled the inquisitors on that point, as well he should.

The questions and answers should deal with broad judicial philosophy, his views of the Constitution, his attitude toward precedent and his professional qualifications.

If the senators can divine from that how a Justice Souter would rule on abortion, fine. But that alone should not determine his fitness to serve on the Supreme Court. There are many other important constitutional and legal issues facing the nation and, if Judge Souter is confirmed, many more will arise over his likely tenure that no one could predict today.

Special interest groups, including those watching the confirmation process closely, can be expected to be single-issue promoters. That's their nature. We should expect more out of U.S. senators.

## HONORING MONTEITH ELEMENTARY SCHOOL, GROSSE POINTE WOODS, MI

### HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. HERTEL. Mr. Speaker, I rise today to honor Monteith Elementary School in Grosse Pointe Woods, MI. Monteith School has been recognized with a National Exemplary School Award by the U.S. Department of Education. The purpose of this award is to give recognition to schools throughout the United States which are extraordinary in their field.

The principal of Monteith School, Joan Robie, has organized a highly qualified and motivated staff of teachers and assistants. These educators are trained in subjects ranging from science to language arts and from dance to drama. Each member of the Monteith School staff is also well-versed in issues important to the students and to the education process.

Monteith School has worked diligently at providing an atmosphere conducive to positive learning for each and every student. In addition, this school has created and maintained excellence through teamwork between teachers and administrators and between the school and the school district. Since its doors opened in September 1951, Monteith School has proven itself to be an outstanding example of the fine education system in our Nation.

It is without a doubt that I can rise today to declare that the students and parents of the Monteith Elementary School community are well-served by Joan Robie and her dedicated staff. My dear colleagues, please join me in honoring Monteith Elementary School for all of its proud accomplishments over the last 40 years.

## ROBERT ST. JEAN MEMORIAL FISHING TOURNAMENT FOR THE HANDICAPPED

### HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Ms. SCHNEIDER. Mr. Speaker, on Saturday, September 22, the Jaycees of Woonsocket, RI, will sponsor the Robert St. Jean Memorial Fishing Tournament for the Handicapped. This event gives handicapped individuals in Rhode Island an opportunity to compete for prizes for catching the largest fish and the most fish. More importantly, it gives able-bodied individuals an opportunity to spend time with handicapped people and to recognize that the similarities are much more important than their differences.

The Congress has taken a giant step forward in allowing handicapped individuals to help themselves by passing the Americans With Disabilities Act. This legislation, which the President has recently signed into law, provides people with disabilities to seek the same opportunities as the rest of us, based on what we can do and not on what we cannot.

The Robert St. Jean Tournament is named for a Rhode Islander who was afflicted with hemophilia. Robert St. Jean demonstrated the true spirit of this event when he volunteered to help, even though he had recently been discharged from the hospital for hip replacement surgery. Mr. St. Jean died of AIDS after being infected from contaminated blood.

I would like to applaud Mr. Roland C. Gauvin for his work to make this tournament a success. He has worked diligently to ensure the widest possible participation in the event and I wish him and the participants the very best of luck.

## HISPANIC HERITAGE MONTH

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. COLEMAN of Texas. Mr. Speaker, it is my pleasure today to rise and join my colleagues in celebration of Hispanic Heritage Month. Since 1968, our Nation has annually paid tribute to the rich and diverse history and achievements of Hispanic Americans in a week long celebration. I am especially pleased to note that this year marks the second annual month-long commemoration of Hispanic heritage.

With traditions from Spain, Central America, and the Aztec, Mayan and Incan Indians, Hispanic Americans share a culture whose influence in our country dates back 500 years. My own hometown of El Paso, TX, is a community which has forever been enriched and enlightened by the contributions made by Mexican Americans and other Hispanic Americans. Not only are we able to enjoy delicious traditional Mexican food and to listen to the unique sounds of Mariachi folksongs, we are fortunate enough to have had among our ranks internationally acclaimed artists like Rudy Montoya and Manuel Acosta. These contributions are enjoyed and appreciated today not only in selected communities like El Paso, but all over the country, as a new Latin spirit surfaces in the mainstream of American culture.

Now numbering 19 million individuals, Hispanic Americans are the fastest growing minority group in the United States. While we strive to advance recognition of Latino contributions in American society, we must also seek solutions to the high poverty and illiteracy rates afflicting our Hispanic population. Hispanics have traditionally contributed the highest number of at-risk students compared with their non-Hispanic counterparts—a fact which places the need for quality education in a position of top priority for the Hispanic community. Our commitment today to better education will not only provide improved individual opportunities, but will guarantee a brighter economic future and a skilled work force for our Nation. Toward this end, the congressional Hispanic caucus has introduced the theme of education excellence in the Hispanic community for this year's commemorative period and will host a program on this topic at the kickoff ceremony on September 17.

We all have an obligation to promote our Nation's knowledge and understanding of the Hispanic spirit and tradition which is fast becoming cemented in our own culture. I urge all my colleagues to take an active role within their own communities during this important month.

## PRESIDENT REAGAN SPEAKS IN GDANSK

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. GINGRICH. Mr. Speaker, last week former President Reagan offered some good economic advice to the members of Solidarity at the Gdansk Shipyard in Poland. His suggestions to these former Communists as they transform their economy into a vibrant, free enterprise system would also be quite useful for policymakers in the United States. Therefore, I encourage my colleagues to read these excerpts from President Reagan's speech, as printed in today's Wall Street Journal.

[From the Wall Street Journal, Sept. 17, 1990]

REAGAN IN GDANSK: "MAKING THE WORLD ANEW"

(Excerpts from former President Ronald Reagan's address Saturday at the Gdansk Shipyard in Poland:)

A little over 200 year ago, two Polish patriots helped us in America make our world anew. My country had just been born. Its guiding idea was that men and women could govern themselves, free of foreign domination or influence. A skeptical world said the experiment would fail, but that did not deter these two men who had already struggled against foreign domination here in Poland.

Thus it was that a brillant engineer, Thaddeus Kosciusko, and a daring cavalry commander, Casimir Pulaski, joined the American War of Independence and performed heroic deeds. They were among those who made it possible for the fragile flower of democracy to survive and bloom in American soil.

Now, thousands of patriots have been making the world anew once again. I am speaking of all of you here, the men and women of Solidarity who, in just 10 years since the founding of your movement, have brought about the end of communism's stifling embrace.

NEVER LOST HOPE

You have restored Polish independence from outside influence. You have successfully led the struggle for free, open and democratic elections. You have paved the way for a market economy to replace the failed efforts of centralized planning and control. You have triggered vast changes in the political map of Central and Eastern Europe. One might say this is the shipyard that launched a half dozen revolutions!

Today, Solidarity leads the Polish government and the people—and it all began here 10 years ago. Those 10 years brought hardship and heartache for most of you. To some it brought death. It brought obstacles and reversals. But you never lost hope. You stand as proof of the basic human truth that when men and women thirst for freedom and democracy, their thirst will not be quenched until their goal is achieved. You of Solidarity have now achieved it.

But the goal of freedom and democracy was only the first goal to be achieved—a prelude to something even greater: the rejuvenation of your country. You began that process with a bold move on the first of January this year. You eliminated price controls and most subsidies. You replaced the old communist credit system with a monetary system. So far there are a number of positive results:

You stopped inflation in its tracks and have rolled it back.

Your stores are filled with goods today and there are no more long lines.

The black market is a memory.

Most important for your future foreign trade, you have created the first convertible currency in the former Communist Bloc of countries.

With the bold economic moves you knew there would be some pain. We have a saying, "no pain, no gain."

Still, pain is pain if your buying power has declined or you are out of work. In the U.S. we believe stronging in people helping people. This time, it is our turn to help the new Poland. Here are a few examples:

Since July, 29 containers of medical supplies from the U.S. Department of Defense stocks in Europe have been delivered to Polish hospitals, orphanages and old people's homes. The shipments were organized by a U.S. citizens' group, the Emergency Committee for Aid to Poland.

Early this year, at the request of your Ministry of Labor, the same U.S. committee arranged for American corporations to contribute 50 tons of specialized infant formula.

In June, 60 volunteers from the U.S. Peace Corps arrived to teach English.

Soon, mid-level managers of Polish business enterprises will be able to learn the latest marketing and management practices at a special exchange program at New York University, organized by the Institute for East-West Business Dynamics, a non-profit U.S. group.

In Cracow, Project Hope, the principal U.S. sponsor of the American Children's Hospital there, is nearing completion of a large ambulatory care center. In the course of its 16-year-old program here in Poland, Project Hope has sponsored visits by nearly 500 Polish medical professionals to the U.S. and visits to Poland by more than 1,600 of Hope's volunteer health-care specialists. And, for the past two years, Project Hope's health economists and policy analysts have worked closely with your Ministry of Health in developing plans for reform of the health-care delivery system.

Just as long as help is wanted, Americans will be there to provide it. In the long run, however, it is you, the people of Poland, who will solve your economic problems through self-help.

I have had a little experience in the matter of economic growth, so I hope you won't mind if I share with you some of what I've learned.

First, there are two schools of thought about how to achieve lasting economic health and growth. One believes you get it only through severe austerity and belt-tightening. The other believes you achieve it by getting government out of the way so that the people themselves can create and find opportunities. I confess that I side with that second school of thought, the one that believes in incentives for growth. We used that approach when my administration took office and it is still working under President Bush's leadership.

You have done away with price controls, for they create false shortages and inhibit growth. Wage controls thwart growth, too. Do away with wage controls and the efficient, growth-minded businesses will pay more, attract good people and keep on growing. Inefficient enterprises will either wither and die or find ways to become competitive.

Ownership is another great incentive for economic growth. If you own your own business you will work hard to make it do well. If your customers are satisfied with your goods and services, they will come back. Thus, there is the closest of connections between the effort you put into it and the rewards you get out of it.

Western banks might find it worthwhile to take a good look at including in their plans a fund for lending to small start-up businesses here in Poland. I understand that there is quite a lot of what we call "mattress money" tucked away. If you put a little credit together with a little mattress money, you could open up a great many bakeries, butcher shops, small factories and repair services all over Poland.

The privatization bill recently enacted by your government will reduce the number of state monopolies, and that is good, for they will be replaced by enterprises that must be competitive. As inefficient ones are scaled down or closed, however, the challenge is to find new jobs for workers laid off.

Your current level of unemployment, 5.2%, would not be very worrisome in the West. We have "safety nets," consisting of unemployment compensation insurance, retraining programs and employment placement services for workers who are laid off. I understand the U.S. Department of Labor is working with your Ministry of Labor to create a similar safety net for Polish workers.

EMPLOYEE OWNERSHIP

Meanwhile, what about the workers in those state monopolies that are being put up for sale? I am reminded of a technique for employment ownership that has worked well for many U.S. companies. It goes by various names, but the best known is "Employee Stock Ownership Program," or ESOP. With such a program, the employees create a trust which borrows money from a bank to buy shares of stock in the company. The loan is paid back over several years from the employees' share of the company's profits.

How can they be sure the company will be profitable? The workers, as owners, make sure by insisting that unprofitable or obsolete products be replaced by new ones; that operating costs be kept down; and that new efficiencies of operation are adopted. When a person owns assets he or she will look after them.

When people believe in something, they can make it work. Just as a pair of Polish patriots helped America make the speeds of its democracy flower, so you of Solidarity have planted those same seeds in Poland. You have nurtured them and seen them grow. Now, you have it within you to make them blossom far, far into the future and to bring renewed vigor to your nation.

## THE PLASTIC RECYCLING ASSISTANCE ACT OF 1990

### HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. BRUCE. Mr. Speaker, this Nation is facing tremendous problems in dealing with solid waste disposal. Today, I am introducing legislation which will help us reduce the waste stream in an economical manner. The Plastic Recycling Assistance Act of 1990 will aid those entrepreneurs willing to invest in our environment by providing a uniform national standard for identifying plastic resins.

With 18 percent of the Nation's waste volume coming from plastics, much can be done to make sure plastic products play a more environmentally responsible role in our society. To be economically recycled, plastics items must be separated by their resin content. This process is being made easier through the voluntary efforts of some in industry who are already printing codes which specify the type of resin used in the product. The Plastics Recycling Assistance Act would require all plastic product manufacturers to code their packages using a uniform national identification system.

While assisting in recycling efforts, the bill also promotes the use of degradable plastics while addressing environmental concerns that degradable plastics interfere with some recycling efforts. By requiring that degradables be codes with a distinguishable symbol, recyclers will be able to separate degradables as quickly as they separate vinyl from high density polyethylene. Biodegradable plastics using a corn starch mix play a needed role in waste reduction efforts, including acting as a vital component of a yard waste composting program at Urbana, IL, in my district.

Degradables are not the complete answer to solid waste problems, but they do have a role to play which must not be stifled.

Finally, the Plastics Recycling Assistance Act looks to the future. It requires the Environmental Protection Agency to do a thorough study of the prospects of using advanced technologies for recycling separation of all solid waste materials. As America looks ahead in fighting the crisis which continues to develop in solid waste disposal, we must recognize that we will not maximize recycling by asking every citizen to maintain separate waste disposal bins for each recyclable commodity.

Along with helping promote recyclable product markets, a workable system of waste separation which makes recycling economical must be developed.

I would like to thank the original cosponsors of this legislation for their support and applaud them for backing a better environment. Mr. BLILEY, Mr. SLATTERY, Mr. TAUKE, Mr. RICHARDSON, Mr. TAUZIN, Mr. FIELDS, Mr. SCHAEFER, Mr. MCMILLAN of North Carolina, and Mr. ROWLAND of Georgia have all dedicated a great amount of time to writing environmental legislation and I appreciate their recognition of the importance of moving forward with this legislation.

## FAIRNESS TO FEDERAL AND POSTAL WORKERS AND RETIREES

### HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. HAYES of Illinois. Mr. Speaker, according to sources close to the budget summit, the news for Federal and postal employees and retirees is quite gloomy. Mr. Speaker, I am cognizant that we all will have to tighten our belts in the years to come, however, the burden of budget cuts should be shared equally across the board.

Since the early 1980's, we have found it very easy to slash the wages and benefits of Federal and postal employees and retirees. Over the past 10 years, Federal workers benefits have been cut disproportionately as compared to other sectors of the Federal budget. According to a draft document circulated by the House leadership, $3.8 billion in cuts are slated for Federal employee pay and benefit programs. The aforementioned annual reductions would result in a savings of $37.3 billion over a 5-year period. According to summit negotiators, budget cuts would be made in the following areas: The lump sum payment to Federal retirees would be eliminated, cost-of-living allowances for Federal employees would be frozen in 1991 and the formula for its calculation would be restructured, cost-of-living payments for military retirees who retire before age 62 are slated to be eliminated and $400 million per year will be cut from the Federal employees health benefit program.

Again, Mr. Speaker, I call on those participating in the budget summit to give all due consideration to the plight of Federal and postal workers and retirees. Undue and unfair cuts in pay and benefits for our Federal workforce will surely bode terribly on worker morale and product quality. We need a strong and confident Federal work force to shoulder many of the challenging Federal tasks that we are due in the years to come.

## HOUSE INTERIOR COMMITTEE TO CONSIDER HISTORIC BILL ON PUERTO RICO

### HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. FUSTER. Mr. Speaker, this week the full Committee on Interior and Insular Affairs will consider a historic bill that deals with the ultimate political status of Puerto Rico. As you know, I have frequently informed my colleagues about issues concerning the proposed political status plebiscite in Puerto Rico next year among the choices of statehood, independence or an enhancement of the existing commonwealth status, which I favor.

Now, the House is positioning itself to act on plebiscite legislation following more than a year of committee action in both bodies. The House Subcommittee on Insular and International Affairs marked up H.R. 4765, the Puerto Rico Self-Determination Act, on August 3, and I anticipate that the full Committee on Interior and Insular Affairs will follow suit this week.

With that in mind, I would like to share with my colleagues the opening statement I made at the subcommittee markup on August 3 as they consider legislation which is of historic importance to the 3.6 million American citizens of Puerto Rico.

OPENING STATEMENT BY HON. JAIME B. FUSTER AT MARKUP OF HOUSE INSULAR AND INTERNATIONAL AFFAIRS SUBCOMMITTEE

Mr. Chairman and my distinguished colleagues:

What we are marking up today may well become a unique milestone in the development of the Puerto Rican people. It has the potential of making this day a very historic date. It may be so important that it brings to mind an experience I had 38 years ago when I was just a boy about to enter the seventh grade. At that time I was living in a town on the south coast of Puerto Rico when my grandfather came to pick up my parents to make a long trip—in those days, a very long trip—over the steep mountains, with just two-lane roads, to the capital city of San Juan.

My grandfather was a humble man who had grown up experiencing the gloom and hopelessness that was commonplace in Puerto Rico during the first 40 years of this century. His generation had indignantly endured appalling circumstances; they had bitterly experienced the vote-buying and other social, economic and political abuses of the large absentee corporations that then exerted so powerful an influence in an impoverished American colony which was known as "the poorhouse of the Caribbean."

My grandfather had been a founder of a new political party that in 1940 had begun as a major instrument of comprehensive reform. And on that day 38 years ago when he came to pick up my parents, he was very enthusiastic. He was filled with joyous anticipation because on that day, the leader of that new party, Luis Munoz Marin, was going to raise the Puerto Rican flag for the first time ever over the historic El Morro fortress in San Juan. The date was July 25th, 1952.

The distinguished Puerto Rican diplomat and scholar, Dr. Arturo Morales Carrion, who went on to become Assistant Secretary of State for Inter-American Affairs in the Kennedy Administration, has noted that on that day Puerto Rico achieved a major breakthrough in political development. He has said that future generations would have trouble understanding the really profound psychological uplift experienced by Puerto Ricans in 1952 when they established a right to their own anthem and their own flag. It was a great, deep emotional experience when Munoz raised the Puerto Rican flag officially side by side with the American flag at the 450-year-old fortress that so impressively guards the entrance to the harbor of Old San Juan.

Mr. Chairman, the bill we are about to mark up today seeks to pave the way for another such breakthrough in Puerto Rican history. What this bill, the Puerto Rico Self-Determination Act, will do is to authorize us to hold a plebiscite with the expectation that it will put to rest the agonizing and debilitating status debate that has absorbed so many of our creative energies for decades now. The obvious intent of the bill is to get under way a self-determination process that will end once and for all any claim that any relationship between Puerto Rico and the United States is colonial in nature. As some of my colleagues know, previous Congresses have dealt with this matter, and Puerto Rico itself held its own plebiscite in 1967, but this is the first time that all major parties in Puerto Rico have joined in a common effort to obtain a federally authorized plebiscite to enable the people of Puerto Rico validly to exercise self-determination, with a Congressional commitment to implement the winning option.

Mr. Chairman, the bill in our Chamber is not all we would have liked to see. It is not drafted in the clear and compelling language that scholars or jurists might have used. But as you, Mr. Chairman, have said on so many occasions, the bill is one that has a realistic chance of becoming law. Given the many different parties involved, the difficult and contentious nature of the matters addressed in the bill, and other well known Congressional constraints, to get a bill that can be enacted, it was necessary to forego some of the precision and legislative refinements that some of us would have preferred. However, imperfect as it is, the bill does have the elements needed to set in motion a process of self-determination. It has the potential to open up a path, to muster a will that in time could bring about transcendental changes in Puerto Rico. As I said earlier, that clear intent of the bill is to provide for a valid and meaningful mechanism for the people of Puerto Rico freely and legitimately to exercise their right to self-determination.

Through a legally binding reference to the Report that accompanies the bill, it provides specific definitions of each of the three options to be presented to the people of Puerto Rico, clearly and detailed enough to allow for an intelligent vote; the options presented to the people are of equal dignity, fairly balanced and free from colonial taint.

It also contains a commitment from Congress to act on implementing the result of the plebiscite. It is important to note that at this stage that the core principles of the New Commonwealth will be treated equally with the core principles of statehood or independence. The plebiscite won't be about a

wish list nor will it be a popularity contest because the bill is binding enough to make us confident that Congress will implement whatever option is chosen by the majority of the people of Puerto Rico. Self-determination requires no less. The people of Puerto Rico deserves no less.

Thus, Mr. Chairman, the bill we are considering today is certainly a starting point for a process of self-determination.

Mr. Chairman, this bill has been the product of the tireless and relentless efforts of many persons. In the past two weeks alone, hundreds of hours of work and negotiations have gone into it, including all of Wednesday night and last night and most of this morning, when some of us were still working on it.

I want to end my remarks today by acknowledging, Mr. Chairman, your own untiring efforts in support of this bill despite your other official responsibilities and despite your recent illness. We are glad to see you back in the Chairman's chair. I also want to make a special acknowledgement to Governor Rafael Hernandez Colon, not only because he began the process leading up to this bill but also because through his remarkably strong perseverance he has obtained not only a good definition for a New Commonwealth but also the strongest Congressional commitment to honor any result of the plebiscite that is possible at this time.

## OREGON SCHOOLS RECOGNIZED FOR EXCELLENCE IN EDUCATION

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. WYDEN. Mr. Speaker, it gives me great pleasure to recognize five Oregon schools for being designated 1989-90 Blue Ribbon Schools: Our Lady of the Lake in Lake Oswego; Gilbert Park Elementary School in Portland; Chapman, Elementary School in Portland; Tualatin Elementary School in Tualatin; and Walker Middle School in Salem-Keizer. President Bush is recognizing the award recipients in a Rose Garden ceremony today.

Lauro F. Cavazos, U.S. Secretary of Education, announced on May 10 that 221 public and private elementary schools were chosen for demonstrating outstanding quality in education throughout their curriculums. Also known as the School Recognition Program, the award is a national school improvement strategy. It identifies and draws attention to schools that provide an outstanding educational environment.

Schools were chosen from 45 States, the District of Columbia, Puerto Rico, and West Germany. The program looks indepth at the quality of Education—not just in the classroom but also the support the parents and community offer. The schools selected demonstrated they were able to meet the needs of both the students and their communities.

To be eligible, schools must meet student criteria in mathematics and reading. Schools are then selected through a series of nominations, interviews, and campus visitations. This year, special attention was given to geography education and the visual and performing arts. Most important, the program seeks to identify schools that will serve as models for others to emulate.

The program is currently in its eighth year. Elementary and secondary schools are honored on alternating years. To this date, almost 2,000 schools have been identified and given national recognition. The diversity of American schools is represented in the ones chosen—for example, both public and private, rural and urban, affluent and impoverished. The Department of Education administers the program and I want to take this opportunity to thank them for their contribution in making this possible.

I hope that my colleagues join in offering congratulations to the 221 1989-90 Blue Ribbon Schools. I hope these schools will serve as models for other education programs in a time when we need to focus our attention on providing quality education for our youths. We must strive for excellence in our education system and we will look to these schools for leadership.

## DEFEND HUMAN RIGHTS IN KOSOVO

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

MR. BONIOR. Mr. Speaker, While freedom has swept through Eastern Europe and the Soviet Union, the people of Kosovo are still struggling for democracy.

Kosovo, whose population is 90 percent ethnic Albanian has had its constitutional autonomy greatly restricted over the past year. Peaceful demonstrations for free elections and a release of political prisoners have been answered with bullets, clubs, and tear gas. At least 60 ethnic Albanians have been killed since the crackdown on Kosovo began in March 1989. This July, the Kosovo local government and Albanian language media were suspended, effectively ending autonomy in Kosovo.

Recently 10,000 ethnic Albanians gathered to greet a Senate delegation investigating the human rights situation. They were chanting "freedom!, freedom!" and "U.S.A., U.S.A." In response, riot police forcefully dispersed the crowd with tear gas and billy clubs.

The time has come for the federal Yugoslavian authorities to become actively involved in defending the rights of its ethnic Albanian population. Furthermore, the time has come for the United States to reconsider Yugoslavia's most-favored-nation status until the principles of democracy and freedom are upheld. One member of the delegation visiting Kosovo said, 'I would not give them a penny now. This is another apartheid.'

I have cosponsored House Concurrent Resolution 352, introduced by my distinguished colleague from Michigan, Mr. BROOMFIELD. This resolution calls for a peaceful dialog to end the crises and urges the restoration of autonomy for Kosovo. I urge my colleagues to take a look at this important legislation and become cosponsors.

## IN HONOR OF LILLIAN PHILLIPS McKEEL, RECIPIENT OF PRESIDENTIAL AWARD FOR TEACHING EXCELLENCE

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. CLINGER. Mr. Speaker, it is with great pride and admiration that I rise today to congratulate a teacher from Radio Park Elementary School in my 23d Congressional District in Pennsylvania. Lillian Phillips McKeel, a 25-year veteran in the State College Area School District, is the recipient of the Presidential Award for Excellence in Science and Mathematics Teaching.

This Presidential Awards Program is intended to celebrate and honor demonstrated professionalism, in order to encourage individuals of high quality to enter and remain in the teaching field. Our schools are only as good as the teachers in them, and if America is to keep pace internationally, we must ensure that our children gain the necessary tools to excel. We must strive for excellence within our educational system, and reward it whenever possible. In this way we create role models for all teachers to emulate, while returning distinction the profession so desparately deserves.

Mrs. McKeel's efforts have made her worthy of the status: "role model." She believes in hands-on experience and the necessity of enjoyment to the learning process; it shows in her students. As 9-year old Nathan Corgor will attest, "It's fun to work with scales and beakers." Mrs. McKeel inspires this inquisitiveness in her students, and that is one of the reasons she is being honored.

The Presidential Award includes a $7,500 grant which Mrs. McKeel will use to further improve Radio Park's math and science programs. She has also been invited to Washington in October, along with other recipients, to attend award ceremonies and to receive a Presidential citation.

Mr. Speaker, I commend Lillian Phillips McKeel on her excellence in the teaching profession. Many children's lives are enriched due to her care and understanding. She serves as an inspiration for us all.

## CELEBRATE CITIZENSHIP DAY AND CONSTITUTION WEEK

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mrs. MORELLA. Mr. Speaker, each year the President issues a single proclamation desig-

nating September 17, as Citizenship Day and the period beginning September 17 and ending September 23 as Constitution Week. Constitution Week is an observance not only of our freedoms, but of our responsibilities as citizens of the United States. Constitution Week is a legacy representing not only the respect we all share for our governing document, but also our commitment to educate all citizens concerning its history and principles. I urge my colleagues to join me in recognizing Citizenship Day and Constitution Week.

## SIKHS WANT OUTRIGHT INDEPENDENCE

### HON. DAN BURTON

OF INDIANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. BURTON of Indiania. Mr. Speaker, under the current Indian government of Prime Minister V.P. Singh, 14,000 Sikhs languish in Indian prisons without charge, trial, or access to legal consul. Under the Singh regime, Sikh leaders are tortured, Sikh women and girls raped, and Sikh youth killed in fake encounters. In fact, Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, reports that during the last 2 years, over 7,000 Sikh youths have disappeared and are presumed to be killed.

Until the Government of India stops their current repression of the Sikhs and allows international human rights groups, like Amnesty International, to enter the Punjab, then I believe the Sikhs are justified in their struggle for freedom and independence. And for this reason, I have attached for the RECORD an article from the August edition of the Eastern Times, in which Justice Bains describes how the Sikhs have been thoroughly alienated from Hindus. In addition, I am also including an article from India Abroad which tells of the recent call for an independent Sikh state of "Khalistan" by Akali Dal leader Simrajit Singh Mann. I hope all of my colleagues will find time to read these important articles.

SIKHS WANT OUTRIGHT INDEPENDENCE

Justice Ajit Singh Bains, Chairman of the Punjab Human Rights Organization, spoke exclusively to The Easter Times during his recent visit to Washington, where on India's violations of human rights in the Punjab.

Of medium height and turbaned with a flowing grey beard, the elderly former Justice of the Punjab-Haryana High Court spoke softly and exuded dignity.

According to the jurist, the government of Indian has unleashed state terror on the Sikhs. He detailed that, during the last two years, over 7,000 Sikh youths have disappeared and are presumed to have been killed, some reportedly in thanas and gurdwaras. Their bodies have not been returned to their kin, except in certain cases where some thanas were encircled by furious kinfolk. Bains states that another 14,000 Sikhs are being held in Indian jails.

Most of the security forces deployed in Punjab, according to Bains are from south India and U.P. But Justice Bains said that the Punjab police are worse. They are, exclaimed the former judge, "criminals in uniforn."

Bains identified the 'Brahmia ideology' as India's bane. For too long, he said, India has been in the control of one family which espoused this ideology with "intolerance, narrow-mindedness, and caste-prejudice."

He praised Islam and said that Sikhism, like Islam, abjures caste discrimination, idolatry, and multi-gods. Bains said that Sikhs are thoroughly alienated and a "mental divide" from the Hindus has set in. If a plebiscite takes place in the Punjab, the Sikhs would, by a large majority, opt for independence. He said that, in the event of war, the Sikh nation would not oppose Pakistan.

He said India must respect the will of the Sikhs. He dismissed Indian accusations of Pakistan masterminding the Sikh insurgency.

The former Jurist said that State terrorism has been let loose by the central government. He characterized the mass killings of Sikhs following Mrs. Gandhi's assassination on October 31, 1984, as "planned genocide" with no parallel in Indian history, not even with the massacre ordered on Delhi inhabitants by the Persian conqueror Nadir Shah, in which most of the victims were Muslims. In Delhi, not even Sikh army officers in uniform were spared. Those implicated and identified with the Delhi killings of Sikhs were rewarded with cushy positions.

The Chandigarh-based human rights advocate foresees balkanizing trends in India occurring even in Assam and Tamil states.

He and his human rights group recently went to Kashmir on a fact-finding tour and said that, in the Valley, all want independence. He listed the population in the Vale of Kashmir as 35 lakh (3.5 million), out of which 34 lahk are Muslim. He said that the Sikhs identify and empathize with the Kashmiri Muslims yearning to be free from the Brahmin yoke.

MANN NOW DEMANDS 'KHALISTAN'

(By Akhil Gautam)

CHANDIGARH.—Akali Dal leader Simrajit Singh Mann this week succumbed to threats by underground militants and called for the creation of an independent Sikh state of "Khalistan" through a referendum conducted under the auspices of the United Nations.

Mann, a member of Parliament, who has so far been demanding greater autonomy for Punjab in keeping with the Anantpur Sahib resolution, was clearly under pressure to bow to the more hardline wishes of the militants who had last week criticized him for being "power-hungry." This had forced him into submitting his resignation from his seat in Parliament and presidentship of the Akali Dal (Mann).

In an interview with a national newspaper on Aug. 29, Mann said his formula for a separate Sikh nation would include Sikhs from all parts of the country, who would secede from a "Hindu state" ruled by the "Hindu bigot purbias (easterners)."

Mann, who had so far advocated early polls to the state assembly, seemed to have completely changed his tune by announcing his decision to participate in an election only if it were held under U.N. supervision and not under the supervision of the government.

Following his refusal to participate in any election conducted by the government, there was hardly any political party that wants elections to be held in the state, long being ruled directly by New Delhi.

The Congress Party, the Bhartiya Janata Party and the two communist parties have already said they do not want a poll held unless peace returns to the state.

Mann also said he would purge his part of "undesirable elements." This was a demand by the Panthic Committee that wanted Mann to "weed out undesirable elements" from his 40-member inner group.

MANN'S MOTIVE ANALYZED

Observers here said Mann had calculated that if he was disowned by the militants he would have little to fall back upon in the highly emotive Sikh politics, not to speak of political survival in an atmosphere where the bullet reigns supreme.

Mann's latest pronouncements have put him at par with the outlawed militants as far as the government is concerned.

A stern note from the Home Ministry in New Delhi on Aug. 30 said it was "unfortunate" that Mann had identified himself and his party with the militants and "justified their actions."

"The demand for the right to self-determination for Sikhs, as enunciated by Mann, is completely out of place in the constitutional set-up of the country," the note added.

## CONGRATULATIONS TO EMMANUEL LUTHERAN SCHOOL ON SELECTION AS "NATIONAL EXEMPLARY SCHOOL"

### HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. BUECHNER. Mr. Speaker, each year the Department of Education evaluates hundreds of private schools around our Nation to determine those which merit special recognition for superior performance. Although all of these examined are impressive in their different ways, there are a few which stand out from the rest and qualify for the Department of Education's designation of "exemplary." It is my profound privilege to recognize the Emmanuel Lutheran School from my district which has been selected as a recipient of the designation.

Webster's dictionary defines exemplary as one worthy of model. As we face a truly national crisis in education, we must turn to those schools which are models of educational excellence to learn from their example. In this endeavor, the Emmanuel Lutheran School is worthy of universal emmulation, and I ask you to examine with me the reasons why.

As with any successful school, the primary focus must first be on providing quality education. The Emmanuel School is no exception to this rule. Both administrators and faculty have worked diligently to instill in their children the value of education and the desire to learn. The fulfillment of such a goal is never a singular effort; rather, it requires the concerned attention of everyone. The principal, secretaries, maintenance workers, school nurse, cafeteria

workers, and other staff all merit our sincere thanks. In addition, of particular importance, meriting special recognition, are the teachers. To shape and spur a young mind toward its full potential is seldom an easy job. Teaching is an art, as well as a science. It requires dedication, innovation, sensitivity, and above all else, tenacity. Truly the dedicated teachers at Emmanuel Lutheran School are to be commended for their outstanding efforts.

It is also important to recognize that the goals of a school are not achieved without the active support of parents and others who are active in supporting and participating in school activities. For this reason a large measure of praise must be reserved for each parent without whom the role of the school in providing quality instruction can never be fully achieved.

Lastly, I am sure that each educator would agree that their part in this process is made infinitely simpler because of student's recognition and acceptance of the gift which is being conferred to them. Nothing is more fulfillilng in education than finding students who are curious and eager to acquire knowledge. To this end, the highest accolades must go to the students of the Emmanuel Lutheran for their hard work, attention to detail, and understanding of what it means to pursue and achieve the educational ideal. By your efforts you have played a major role in earning this award, and the admiration of a proud Nation.

A democracy is made tangible by the participation of an informed and active citizenry. Quality education is the surest way in which this can be achieved, and the continued freedom of our Nation assured. I ask each of my colleagues to join with me in congratulating all those of the Emmanuel Lutheran School who have earned this great honor.

## SALUTE TO DAVID O'MALLEY, MOTHER CABRINI SOCIETY 1990 MAN OF THE YEAR

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 1990*

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to recognize the outstanding achievement of David O'Malley, the Mother Cabrini Society's 1990 Man of the Year. This award is keeping with the tradition of the society's recognition over the years of individuals who have demonstrated exemplary leadership and successful efforts in their personal, business, and/or political lives.

The Paterson branch of the Mother Cabrini Society was organized in 1950 by 11 members to honor the work and memories of the first U.S. citizen saint of Italian descent. The society is closely affiliated with the historical St. Michael's Church in Paterson, as well as the Italian Federation. Over the years the society has contributed to needy causes and has provided aid and assistance to foster the growth and maintenance of the famous Mother Cabrini Chapel, a New City tourist attraction. Groups such as this provide important recognition to those who are active in their community and lead by example. This year's recipient, David O'Malley, is just such an individual.

Mr. O'Malley was raised and educated in my Eighth Congressional District attending Paterson Catholic Regional High School and graduating from William Paterson College in Wayne, NJ. He majored in political science and was awarded a B.S. degree. His education continued at Fairleigh Dickinson University, where he earned a master's degree in public administration in 1982. David then spent several years working as a legislative assistant to the late assemblyman Vincent "Ozzie" Pellecchia. In 1982, he was honored as an outstanding young man of America.

In 1984, David founded Municipal Associates, Inc. [MAI], a successful small business that now employs 11 people. With offices in Clifton and Philadelphia, PA, the firm specializes in construction management and general contracting. He is also a partner in VCO Enterprises, Inc., a utility contracting firm.

Mr. Speaker, Sunday, September 23 will be a festive day in North Haledon, NJ. It is on this day that the Mother Cabrini Ladies Auxiliary will hold their 40th anniversary dinner-dance at the Tides of North Haledon. Forty years of charitable work and community service is the legacy of this fine organization. The society is to be commended for their good deeds and valuable public service.

Mr. Speaker, it is organizations such as the Mother Cabrini Society that enrich our society with their charitable contributions. They have chosen a most worthy individual to receive their highest award. I salute the Mother Cabrini Society for honoring one of our outstanding young Americans, David O'Malley, the Mother Cabrini Society 1990 Man of the Year.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 18, 1990, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

SEPTEMBER 19

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Small Business

To hold hearings to examine the impact on small businesses of proposed legislation regarding estate tax freezes and capital gains.

SR-428A

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings to examine developments in real estate and lending communities, focusing on how they impact on the Real Estate Settlement Procedure Act's prohibition on kickbacks or fees for referrals.

SD-538

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings to examine the status of the Superfund cleanup contracting program and its relationship with surety bonding issues.

SD-406

Finance

To hold hearings to examine the scope and effects of foreign influence on U.S. policy decisions on trade and other economic matters.

SD-215

Joint Economic

To hold hearings to review the economic outlook for 1990.

2359 Rayburn Building

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2674, to provide for the reestablishment of the gray wolf in Yellowstone National Park and the Central Idaho Wilderness Areas.

SD-366

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold open and closed hearings on prospects for peace in Cambodia, focusing on an United Nations agreement.

SD-419

SEPTEMBER 20

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Mary Sterling, of Virginia, to be Inspector General, Department of Transportation, and Gail C. McDonald, of Oklahoma, to be a Member of the Interstate Commerce Commission.

SR-253

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the deals of the Federal Savings and Loan Insurance Corporation in 1988.

SD-538

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2771, to establish the Vancouver National Historical Reserve in the State of Washington, S. 2802, to establish the Fort Totten National Historical site near Devils Lake, North Dakota, S. 2809 and H.R. 3683, to revise the National Trails System to provide for the study and designation of the Underground Railroad Historical Trail, S. 2818 and H.R. 4834, to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and H.R. 5084, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site.
SD-366

Foreign Relations
To hold hearings on the nominations of G. Philip Hughes, of Virginia, to be Ambassador to Barbados, and to serve concurrently to the Commonwealth of Dominica, Saint Lucia, and Saint Vincent and the Grenadines, and George Fleming Jones, of Texas, to be Ambassador to the Co-operative Republic of Guyana.
SD-419

SEPTEMBER 21

9:30 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on H.R. 4111, to establish a Strategic Resources Mineral Technology Center to improve existing and develop new technologies on U.S. supplies of strategic and critical materials.
SD-366

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review the final report on the U.S.-Japan Structural Impediments Initiative (SII) talks.
SD-215

Foreign Relations
To hold open and closed hearings on the nomination of Frederick Vreeland, of New York, to be Ambassador to the Union of Burma (Myanmar).
SD-419

SEPTEMBER 25

8:30 a.m.
Office of Technology Assesment
Board meeting, to consider pending business.
EF-100, Capitol

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine student loan abuse.
SD-342

10:00 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 2870, to approve the Fort Hall Indian Water Rights Settlement, S. 2895, to provide for the renegotiation of certain leases of the Seneca Nation, and S. 1554, to ratify and implement water settlements involving the Pyramid Lake Paiute Tribe, the States of California and Nevada and other parties regarding the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California; to be followed by a hearing on proposed legislation to establish Wounded Knee Memorial and Historic Site.
SR-485

2:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to review Peace Corps programs in Eastern Europe.
SD-419

SEPTEMBER 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine student loan abuse.
SD-342

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2474, to authorize an exchange of lands in South Dakota and Colorado, S. 2543, the Admiralty Island National Monument Land Management Act, S. 2815, to establish the Kokapelli National Outdoor Theater in the State of Utah, S. 2816, to disclaim all Federal right, title, interest in specified base lands over which the U.S. hold record title, S. 2891, to authorize and direct an exchange of lands in Colorado, H.R. 2566, to disclaim any interests of the U.S. in certain lands on San Juan Island, Washington, and H.R. 3888, to allow a certain parcel of land in Rockingham County, Virginia to be used for a child care center.
SD-366

Foreign Relations
To hold hearings on the nominations of Richard C. Brown, of Maryland, to be Ambassador to the Oriental Republic of Uruguay, Eugene L. Scassa, of Virginia, to be Ambassador to Belize, and Michael Martin Skol, of Illinois, to be Ambassador to the Republic of Venezuela.
SD-419

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the United States position in GATT negotiations affecting American manufacturing jobs.
SD-342

SEPTEMBER 27

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine foreign influence in the United States.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2882 and H.R. 3209, to modify the boundaries of the Indiana Dunes National Lakeshore.
SD-366

SEPTEMBER 28

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review progress made on important trade issues between the U.S. and Canada, focusing on subsidies, dispute settlement panels, and general implementation of the Free Trade Agreement and the 1986 Softwood Lumber Memorandum of Understanding.
SD-215

OCTOBER 3

9:30 a.m.
Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to review the Office of Technology Assessment's report, "Neurotoxicity, Identifying and Controlling Poisons of the Nervous System," and to examine related research and regulatory issues.
SD-406

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, Blinded Veterans Association, Vietnam Veterans of America, Military Order of the Purple Heart, and Non-Commissioned Officers Association.
345 Cannon Building

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of AMVETS, Ex-Prisoners of War, Jewish War Veterans, and World War I Veterans.
345 Cannon Building

## CANCELLATIONS

SEPTEMBER 18

9:30 a.m.
Rules and Administration
Business meeting, to mark up S. 2522, to

require Congress to purchase recycled paper and paper products to the greatest extent practicable, S. 2758, to provide additional membership on the Library of Congress Trust Fund Board, H. Con. Res. 338, authorizing printing of the proceedings of the bicentennial research conference entitled "Understanding Congress," and other pending calendar business.

SR-301

## POSTPONEMENTS

### SEPTEMBER 19

9:30 a.m.

Governmental Affairs

To hold hearings on S. 2840, to improve the management of the Federal government by establishing a Deputy Director for Management and a Chief Financial Officer of the United States in the Office of Management and Budget.

SD-342