SENATE—*Wednesday, September 19, 1990*

(Legislative day of Monday, September 10, 1990)

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

Mr. LIEBERMAN. The prayer will be offered by a guest chaplain, the Reverend George N. Gray, Jr.

PRAYER

The Reverend George N. Gray, Jr., Episcopal Church of the Epiphany, 303 West Main Street, New Iberia, LA, offered the following prayer:

Let us pray:

Dear God, we pray that You bless the United States of America and those in governmental institutions who serve its people, especially this U.S. Senate.

Almighty God, You are the fountain of love, whose will is good and gracious, and whose law is truth. Grant to our U.S. Senators the wisdom to seek and the courage to carry out Your will in truth. Grant to all who serve in administrative authority in this Senate vigor and grace in the exercise of their duties.

We pray that the laws enacted by this legislative body may safeguard human rights, serve justice and promote peace. We humbly ask You to guide these Your servants of the U.S. Senate in establishing laws that provide for the needs of all our people, preserve our heritage, and fulfill our obligations in the community of nations.

We ask that You keep the citizens of the United States in Your holy protection, especially those Americans in the Middle East. We pray they may feel the comfort of Your abiding presence while we seek reconciliation.

May all Americans receive Your grace through faith and serve as instruments of Your love. May we be blessed with the prudence to be more faithful stewards of Your bounty for the benefit and blessing of all who are naked, hungry, or homeless. Incline our hearts to show affection and love for one another and our fellow citizens of the world at large, remembering especially the words of the psalmist, "How good, how delightful it is for all to live together like brothers." Help us, O Lord, to follow Your truth, so that in learning to be faithful citizens here, we may be faithful in Your everlasting kingdom. In Christ's name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 1990.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

SCHEDULE

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

At 10 a.m. the Senate will resume consideration of S. 1511, the older workers bill. Rollcall votes are possible today relative to this bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and all of the leader time of the distinguished Republican leader.

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

MORNING BUSINESS

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

Mr. SANFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

THE MIDDLE EAST

Mr. SANFORD. Mr. President, events of the last couple of days cause me to want to make, again, a statement that I have previously made concerning the Middle East. I support the President in what he has done in the Middle East. He has done it well, and he has contained Iraq.

I am opposed to those who are clamoring for war. This would not be a war worth fighting. I remember an assignment of the Infantry Officers Training School at Fort Benning when I was there during World War II. We were required to write on the subject: Why is the United States fighting this war? There were many very good answers, but not one of them would approximate a justification for a war in the Middle East today. War in the Middle East cannot be justified.

I take special pride in the fact that the fighting men and women based in North Carolina were so quickly ready to go to the Middle East to show the military might of the United States. I have a personal feeling for the spouses and the children and the families who saw their loved ones go to do their duty, to do their jobs. They have braced themselves for the worst. That is the grim reality of military service.

The tried and true troopers of the 82d Airborne and 18th Airborne Corps, the tough Marines at Camp Lejeune, and the most modern air fighter squadrons in the world at Seymour Johnson, and the air transport experts from Pope Air Force Base, were first to go to protect the national interests of the United States. It was they who stopped Saddam Hussein even before he approached the Saudi Arabian border and ended his aggression.

As one with a special pride and a deep concern for these young fighting men and women and their families, and as one with some part of the responsibility for America's military and

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

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diplomatic actions, I have earnestly considered what my position should be. These fighting forces did their duty without firing a shot. Now the questions are: Should they fire a shot? Should they take the offensive? Should they be committed to fight a war? Is this the way that it must be done?

I am flatly opposed to committing our Marines and paratroopers and other military men and women to fight a war that does not need to be fought. I cannot be a party to bringing untold sorrow and loss into their families. Our objectives are clear, but clearly not worth the human costs to be paid by fighting a war.

My position is simple and clear. I support President Bush so far. But I will part company and vote against sending our young people to fight a war that we do not need to fight. This is the same message I am getting from the military families in North Carolina who say, "We are always prepared for the sacrifice by our loved ones to protect the Nation, but we do not want to see them fight a war that does not need to be fought."

Our national interests in the Middle East can best be protected without a military incursion. Our national interests endangered by the invasion of Kuwait by Iraq are the same as the interests of the other nations of the world. We must punish and stop aggression, and must stop the accumulation of military power by an avowed dictatorial aggressor. Our question is, how is that best accomplished? An attack by us—war—would be bloody and costly, would be difficult to bring to an end, and would have detrimental repercussions in the Arab world for generations. There is a far better way to get the job done.

The United States has already arrayed adequate military forces to halt the aggression, and now we should take a lesser role and turn deliberately and visibly to the United Nations to bring Saddam Hussein's adventure to a close by economic strangulation. The economic embargo should have at a minimum four goals:

First, we should require Iraq to retreat from Kuwait. It is not our responsibility to restore the Omir to his throne. It is our purpose to deny Saddam Hussein the fruits of his aggression.

Second, we should insist on a release of all hostages.

Third, we must use the power of the United Nations to assure that no member nation will provide Iraq with the weapons or means to produce any weapons of war, including poison gas, biological, and nuclear devices.

Finally, we must insist that the United Nations take an additional action that it has not yet taken and assert its authority to require Iraq to destroy all illegal weapons, gas, nuclear, biological, and insist on the permanent right to U.N. onsite verification.

To achieve these four goals, an economic strangulation is by far preferable to war. Relentless economic strangulation can be achieved by the United Nations' embargo on oil exports and many imports. Economic strangulation will bring Iraq to the U.N. terms. The world, and the United Nations can wait longer than can Iraq, and the embargo will succeed. A military attack would start us down an endless road.

These U.N. goals will serve all of the national interests of the United States that were jeopardized by the Iraqi invasion of Kuwait, as well as the interests of all the world, in clipping the wings of a ruthless dictator and a proven aggressor.

In achieving this kind of solution, based on the moral power of the United Nations, with the powerful help of the United States, we will have set a precedent that would-be aggressors in any part of the world will surely note.

The United States cannot be the policemen for all the world. The United Nations was designed to do this job. We can use this emergency to strengthen the United Nations with this kind of job in the years to come.

Thank you, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. SANFORD. 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. PRESSLER. 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.

BUDGET SEQUESTER AND FURLOUGHS OF FEDERAL EMPLOYEES

Mr. PRESSLER. Mr. President, I would like to speak to the Senate today on my legislation that would apply the budget sequestration rules to Senators and Congressmen. For a sophisticated country, the budget of the Government of the United States is in a very strange position. We are deadlocked in a budget negotiations crisis. We are attempting to reach a fiscal year 1991 budget agreement under the Gramm-Rudman-Hollings deficit reduction law.

Our new budget year begins October 1, and an agreement between the administration and the House and Senate must be reached by that date or a sequester goes into effect.

Many of our Federal civil servants have received a letter notifying them that they will be put on furlough. They will be required to go on furlough if the deficit reduction targets are not met.

I would like to read to the Senate a letter that some of these civil servants have received. This letter is significant because it is a reminder that many good-faith employees who work for the Federal Government have received furlough notices, after years of good service.

One person provided me with this letter confidentially, and I shall not mention the person's name, but it is a letter that person received after 20 years of hard work in an agency. I know that it is easy to use Federal employees as whipping posts. I have never done that. Most of them serve the public very loyally, faithfully and effectively.

I have said that, at times such as Watergate and other national crises, our Federal civil servants carry us through. They perform important functions. For example, if we do have a sequester, we will find that our airports will not be run correctly; we will find that meat will not be inspected properly during the sequester, and many other special services will be cut. In any event, perhaps the most important result is the demoralizing effect a Federal employee who receives a letter such as this.

I shall read a letter that some of our Federal employees received recently:

This memorandum notifies you that I propose to furlough you no earlier than thirty (30) calendar days from receipt of this notice. I am the Proposing Official and the Deciding Official for this action.

The furlough is being proposed under the authority of the Subparts C and D of 5 CFR Part 752 because the Department * * * is under a sequestration order pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177) (commonly known as the Gramm-Rudman-Hollings Act), as amended. The initial sequester order of August 25, 1990, results in a level of funding significantly less than the current level for the period of October 1 through October 15, 1990. A final sequester order on October 15 or an appropriation could also result in funding reductions beyond October 15. The Gramm-Rudman-Hollings Act limited the amount of budget reduction to program (which is the Service Units) to 2 percent while administration (which is Headquarters and Area Offices) must be reduced by the full sequester percentage which is significantly higher. Accordingly, maintaining the present rate of spending will result in an expenditure of funds in excess of expected budgetary resources. Although many actions are being taken within the Department to curtail spending, this furlough is proposed to promote the efficiency of the service by assistance in meeting the Fiscal Year 1991 deficit reduction targets.

The following procedures and conditions are planned relating to the furlough:

1. The furlough will be on discontinuous days, beginning no sooner than October 1, 1990. Full-time employees will be furloughed no more than twenty-two (22) workdays or 176 hours. If you are a part-

time employee, your furlough time will be prorated, based on your work schedule.

Mr. President, I am going through the laborious task of reading this letter because I think each Senator should put himself or herself in the shoes of the hard-working Federal employees who need money to support their families, who have made a career decision to work for the Federal Government and have done a loyal and competent job. To be told that they are going to be furloughed, for no reason based on their performance, to receive a letter such as this has to be very demoralizing to employees in the Federal establishment.

The letter continues on:

2. Due to the uncertain and potential fluctuating amount of funding which may be available to this agency, the number of hours per pay period required for the furlough may vary. Accordingly, if the decision is made to furlough, you will be advised at or before the beginning of each week of the number of furlough hours required to allow this agency to meet its financial obligations.

3. You may request a specific schedule for furlough time subject to management approval based upon mission and workload considerations.

4. Annual, sick, court or military leave (or the use of compensatory time or credit hours) that has been approved a day designated as a furlough day will be cancelled. However, when you receive the notice of your furlough dates, you may request that the furlough time be rescheduled, as provided in paragraph 3 above, if you wish to use the leave, compensatory time, or credit hours as approved.

Mr. President, I continue to read this letter because, according to all the principles of management, personnel furloughs are the worst thing Congress could possibly do to Federal employees. If such a letter were circulated in a private business or company, it would probably be cited by all of our business schools as a classic example of what not to do to inspire loyal employees.

The letter concludes:

I recognize the difficult personal financial implications of any furlough, no matter how limited its length. Every effort will be made to keep you informed as additional information regarding the agency funding level becomes available.

Unless you are a noncareer or limited term SES employee, a Schedule C employee, or a temporary employee on an appointment limited to one (1) year or less, you will be allowed seven (7) calendar days after the date of receipt of this memorandum to respond in writing and/or orally, to review the supporting material, and to furnish any affidavits or other supporting documentary evidence in your answer. You have the right to be represented in this matter by an attorney or other person you may choose. If you are in active duty status, you and/or your representative, if * * * employee, will be allowed a reasonable amount of official time to review the supporting material, seek assistance, prepare your reply, secure affidavits and statements, consider appropriate courses of action, and make a response. Contact your supervisor to arrange for official time. As the Deciding Official for this proposed action, I have designated representatives to hear an oral reply. To arrange for an oral reply or to review the supporting materials, please contact one of the appropriate individuals listed below:

So, Mr. President, this is a letter that has been received by some of our Federal employees. I have met with our Federal employees in my home State of South Dakota. We think of Federal employees as being mostly in Washington, but, in fact, they are mostly outside of Washington. We have people who work with our agriculture programs, and we have FBI agents, IRS agents, Forest Service personnel, unemployment counselors, and many others who work for the Federal Government in a number of capacities.

Also, I might say that in my State of South Dakota the State budget is about 47 percent Federal funds, and the impact of a sequester on some of our State offices remains to be seen.

Mr. President, in conclusion, the reason I am sponsoring legislation—and I hope to offer it here on the floor; I hope to attach it to something in the next few days or weeks—that would make Members of Congress feel the effects of a furlough as much as furloughed civil servants. I think the public does not want Congress exempted from budget sequestration. I think the public wants Congress treated just like we treat everybody else.

There are seven cosponsors of my legislation. I am prepared to offer it, to attach it to other legislation, so that Members of Congress would have their salaries reduced to the same extent as furloughed Federal employees' salaries are cut. This would make Members of the House and Senate subject to the sequester in the same way as other Federal employees and indeed as other Americans. Our farm programs would be substantially cut, and our Federal and State employees would suffer lost income.

I think it is time for Members of Congress to be subject to the same rules as everybody else. That is the reason for my legislation. I urge my colleagues to cosponsor it. I have sent a letter to each senatorial office seeking cosponsors. We have received seven cosponsors.

Mr. President, I ask unanimous consent that the text of the letter I have read to be printed in the RECORD.

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

FURLOUGH NOTICE LETTER TO FEDERAL EMPLOYEES

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The furlough is being proposed under the authority of the Subparts C and D of 5 CFR Part 752 because the Department * * * is under a sequestration order pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177) (commonly known as the Gramm-Rudman-Hollings Act), as amended. The initial sequester order of August 25, 1990, results in a level of funding significantly less than the current level for the period of October 1 through October 15, 1990. A final sequester order on October 15 or an appropriation could also result in funding reductions beyond October 15. The Gramm-Rudman-Hollings Act limited the amount of budget reduction to program (which is the Service Units) to 2 percent while administration (which is Headquarters and Area Offices) must be reduced by the full sequester percentage which is significantly higher. Accordingly, maintaining the present rate of spending will result in an expenditure of funds in excess of expected budgetary resources. Although many actions are being taken within the Department to curtail spending, this furlough is proposed to promote the efficiency of the service by assistance in meeting the Fiscal Year 1991 deficit reduction targets.

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2. Due to the uncertain and potential fluctuating amount of funding which may be available to this agency, the number of hours per pay period required for the furlough may vary. Accordingly, if the decision is made to furlough, you will be advised at or before the beginning of each week of the number of furlough hours required to allow this agency to meet its financial obligations.

3. You may request a specific schedule for furlough time subject to management approval based upon mission and workload considerations.

4. Annual, sick, court or military leave (or the use of compensatory time or credit hours) that has been approved a day designated as a furlough day will be canceled. However, when you receive the notice of your furlough dates, you may request that the furlough time be rescheduled, as provided in paragraph 3 above, if you wish to use the leave, compensatory time, or credit hours as approved.

I recognize the difficult personal financial implications of any furlough, no matter how limited its length. Every effort will be made to keep you informed as additional information regarding the agency funding level becomes available.

Unless you are a noncareer or limited term SES employee, a Schedule C employee, or a temporary employee on an appointment limited to one (1) year or less, you will be allowed seven (7) calendar days after the date or receipt of this memorandum to respond in writing and/or orally, to review the supporting material, and to furnish any affidavits or other supporting documentary evidence in your answer. You have the right to be represented in this matter by an attorney or other person you may choose. If you are in active duty status, you and/or your representative, if * * * employee, will be allowed a reasonable amount of official time to review the supporting material, seek assistance, prepare your reply, secure affidavits and statements, consider appropriate courses of action, and make a response. Contact your supervisor to arrange for official time. As the Deciding Official for this proposed action, I have designated representa-

tives to hear an oral reply. To arrange for an oral reply or to review the supporting materials, please contact one of the appropriate individuals listed below:

Mr. PRESSLER. Mr. President, I yield the floor, and 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. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DIXON. Mr. President, I ask unanimous consent to proceed for a brief period of time as in morning business to make a statement and to introduce an important piece of legislation.

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

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 3073 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

"MOTOR VOTER" LEGISLATION

Mr. DOLE. Mr. President, I want to share with my colleagues letters that I recently received from two groups whose opinions I happen to respect—the National Association of Counties and the Justice Department. Both letters point out the pitfalls of S. 874, the "motor voter" bill reported out of the Rules Committee last March. Both letters also endorse S. 3021, an alternative voter registration bill introduced last week by myself and by my distinguished colleague from Alaska, Senator STEVENS.

Mr. President, I ask unanimous consent that the full text of the letters be inserted at this point in the RECORD.

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

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, September 14, 1990.

Hon. BOB DOLE,
Senate Minority Leader, S-230 Capitol Building, Washington, DC.

DEAR SENATOR DOLE: On behalf of the National Association of Counties (NACo) I want to take this opportunity to offer our support for your bill S. 3021, the National Voter Registration Enhancement Act.

This bill addresses the real problem of providing additional resources to state and local governments which want to make voter registration easier and more accessible to their citizens. Many counties and states have already done so by adopting various procedures, including mail-in, motor-voter, and agency registration, which meet the needs of their populations within the availability of their financial resources. By providing $25 billion over 3 years your bill would make it possible for those county and state governments that would like to do more in voter registration to do so.

As you know, NACo has been very concerned about the unfunded mandates imposed on counties by the federal government. The bill approved by the Rules Committee, S. 874, would require state, county, and other units of local government to absorb the costs of a federally mandated voter registration program. No consideration is given to whether state and local governments are doing a good job in registering people to vote or whether they have the resources to fund such requirements. The truth is that most county governments do an excellent job in voter registration and do not have the extra resources to fund federally mandated voter registration efforts. If S. 874 is adopted it will be another cost for county governments to bear. Such federal mandates mean higher taxes and/or reduction of those services which county residents and their elected officials would like to have available.

Your bill also addresses the problem of those officials who would deny or interfere with the person's right to register by creating criminal penalties for such actions. Strict enforcement of this section of S. 3021 will quickly rid our nation of those individuals who would deny someone the right to register to vote.

Once again, thank you for introducing S. 3021 and for your support on this issue.

Sincerely,

JOHN P. THOMAS,
Executive Director.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 13, 1990.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is an alternative to S. 874, the National Voter Registration Act of 1989. We have grave concerns about the pending bill and urge you to support the alternative, which has been introduced by Senators Dole and Stevens as S. 3121.

We support efforts to increase voter turnout, but we strongly believe that the present record does not support the mandatory imposition of registration techniques, with their attendant costs to the states, as a necessary or appropriate means of achieving that goal. Moreover, we are convinced that the impositions set forth in S. 874 will result in significant fraud in voter registration and elections. That bill, in its current form, lacks any meaningful methods for addressing public corruption resulting from the newly mandated registration procedures.

S. 3121 would foster increased voter participation while simultaneously protecting the integrity of the electoral process. It would encourage the states to adopt registration procedures that will be most effective in their own differing circumstances. We hope that the Senate will adopt S. 3121 and thereby avoid the important shortcomings of S. 874.

The Office of Management and Budget has advised this Department that there is no objection to this report.

Sincerely,

BRUCE C. NAVARRO,
Deputy Assistant Attorney General.

TRIBUTE TO GEN. LEMUEL C. SHEPHERD

Mr. HEFLIN. Mr. President, I rise with great sadness, today, to inform my colleagues of the death of a great American—U.S. Marine Corps Gen. Lemuel Cornick Shepherd, Jr., on August 6, 1990, at the age of 94. General Shepherd was an incredible man with many diverse talents and abilities, who gave more than 42 years of distinguished service to his country.

Lem Shepherd was the first Commandant to serve on the Joint Chiefs of Staff and one of the few marines who served in three major wars—World War I, World War II, and the Korean conflict.

My great respect for General Shepherd started when I joined the 9th Regiment, which he commanded as my colonel in December 1942. No one that I have ever known had more of the spirit of the Marine Corps than General Shepherd. He instilled this spirit into each marine that he commanded. He gave this remarkable regiment the name of the "Fighting 9th." When reveille was sounded in the morning it was followed by a chant of "rise and shine with the striking 9." He demanded excellence in every aspect of military life. The pride and excellence that he instilled into every one of his 9th Marines soon became evident and was confirmed in combat. He was a fearless leader, and the men of his command followed him with complete dedication regardless of the feared consequences.

General Shepherd was born February 10, 1896, in Norfolk, VA. Upon graduation from the Virginia Military Institute, he was commissioned a second lieutenant on April 11, 1917. Lieutenant Shepherd was a member of the 5th Marine Regiment with the first elements of the American expeditionary forces. After being wounded twice in action at Belleau Wood in June 1918, he returned to the front in August, where he was wounded a third time in the Meuse Argonne offensive.

Captain Shepherd returned to the United States in December 1920 and was assigned as aide-de-camp to the Commandant and aide at the White House. He subsequently had tours of duty with the marine detachment aboard the U.S.S. *Idaho*, with marine barracks, Norfolk, VA, with the 3d Marine Brigade in Tientsin and Shanghai, China, and with the Garde D'Haiti. In 1936 he was promoted to lieutenant colonel, and then commanded the 2d battalion, 5th Marine Regiment. After serving on the staff of the Marine Corps School, Colonel Shepherd took command of the 9th Marine Regiment, where I had the honor and privilege to serve under him, as he organized, trained, and took our unit overseas as part of the 3d Marine division.

Achieving the rank of brigadier general in July 1943 while serving on Guadalcanal, Shepherd was assigned as assistant division commander of the 1st

Marine division. He then assumed the 1st Provisional Marine Brigade in May 1944 and led it in the invasion and recapture of Guam. Promoted to major general, he organized the 6th Marine Division and led it throughout the Okinawa operation. He also took the division to Tsingtao, China, where, on October 25, 1945, he received the surrender of the Japanese forces in that area.

When the Korean war erupted, General Shepherd had just assumed command of the Fleet Marine Force, Pacific. In this capacity, he participated in the landing at Inchon and the evacuation of our forces from Hungnam following the withdrawal from the Chosin Reservoir in North Korea in December 1950.

On January 1, 1952, General Shepherd was appointed Commandant of the Marine Corps by President Harry S. Truman. General Shepherd was the first Commandant to become a member of the Joint Chiefs of Staff. After initially trying to retire from active duty in 1956, General Shepherd was called back to serve as Chairman of the Inter-American Defense Board. On September 15, 1959, General Shepherd relinquished his duties.

Among the numerous awards General Shepherd received during his career were the Navy Cross, the Army Distinguished Service Cross, the French Croix De Guerre, the Distinguished Service Medal with two gold stars, and the Legion of Merit with oak leaf clusters.

During General Shepherd's 42 years of service, he had the opportunity to influence thousands of young men that had the privilege to serve with him. He epitomized the virtues that every leader should strive to attain, and it is hoped that the new marine officers and all people could emulate the leadership qualities of Gen. Lemuel Cornick Shepherd, Jr.

TIME FOR ACTION ON SEED II

Mr. LIEBERMAN. Mr. President, as we come to the end of the 101st Congress, we have little time to reflect on the incredible changes that have taken place in Eastern Europe during the last 2 years.

Those changes have been nothing short of monumental. The Berlin Wall, symbol of the separation of East and West, is now a memory. But also gone is the first blush of enthusiasm for helping Eastern Europe. Understandably, we are preoccupied with events in the Middle East and problems with the economy.

Nonetheless, we should not forget our commitment to the nations of Eastern Europe, a commitment that spans four decades. We began the process of helping these nations by extending aid to Hungary and Poland last fall with the passage of SEED I. We should continue the process of helping the other nations of Eastern Europe by passing SEED II.

SEED II is a thoughtful, cost effective plan for aiding the emerging democracies of Eastern Europe. Its passage is crucial for maintaining American credibility in Eastern Europe and for helping American businesses capture a share of the vast potential of emerging Eastern European markets. SEED II not only offers direct aid to these nations, it also establishes programs that will help American firms investing in Eastern Europe.

Senator PELL recently sent a "Dear Colleague" that forcefully outlines the need to act on SEED II before we finish business for the year. The "Dear Colleague" also contains an excellent analysis of the legislation, including funding levels. I am inserting in the RECORD a copy of Senator PELL's "Dear Colleague" for those of my colleagues who may have missed it and for those many people following our actions with regard to aiding Eastern Europe.

In addition to commending Senator PELL for his leadership on this issue, I want to also commend Senators BIDEN and SIMON and their fine staffs for their hard work and effort in putting together SEED II and its predecessor SEED I.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, September 17, 1990.

Subject: SEED II (East European Aid) Legislation.

DEAR COLLEAGUE: I wanted to provide you the summary of a major piece of legislation, the Support for East European Democracy Act of 1990 (SEED II), which was recently reported by the Foreign Relations Committee and which should be before the Senate in the near future.

SEED II is the principal element in the International Affairs Authorization Act (S. 2944). It represents a comprehensive revision of the Support for East European Democracy Act of 1989 (SEED I) enacted last November, and is among the most important pieces of foreign policy legislation reported by the Foreign Relations Committee during my three decades in the Senate.

You will recall that last fall, having received a rather modest Administration request for aid to Poland and Hungary, the Foreign Relations Committee began from scratch and drafted comprehensive SEED legislation to set the stage for a new American initiative in Eastern Europe.

The SEED Program created by that legislation, and as expanded by SEED II, is directed toward an unprecedented goal: that of helping new and evolving governments in Eastern Europe build successful free-market democracies on the rubble of failed communism. It does so not through a monetary giveaway, but predominantly through targeted technical assistance aimed at building institutions of democracy and institutions needed in free-market economies.

Two points about the SEED II legislation bear emphasis:

First, this bill is totally congruent with Administration policy as regards the kind of aid it envisages. It permits technical economic assistance and democracy-building assistance in all European countries that have been communist, including the Soviet Union. But aside from authority to participate in multilateral financial efforts (for example, stabilization back-up loans for countries such as Poland), all of the focus is on advisory how-to-do-it aid—not on loans or grants to governments. Indeed, in the case of the Soviet Union, such financial assistance is explicitly prohibited.

Second, while providing a sound framework for action, the bill contains no country-by-country earmarks and no provisions that require the President to take any particular action he does not regard as advancing the cause of building free-market democracies in Eastern Europe. The bill does mandate the President to implement two new programs, but ones Administration officials have agreed are sound and well worth undertaking in the context of this legislation's purpose. These programs are:

The Books-for-Eastern-Europe program, which will assist in the publication of a whole new political and economic textbook literature; and

American Business Centers, two of which will be built as models (probably in Warsaw and Prague) to support the start-up activities of U.S. firms on a user-fee basis. These activities would eventually, like the entire SEED Program, be phased out as the free market, based on free political institutions, gained strength.

A third program mandated in the bill—the Parliamentary Partnership—is congressionally-run and will simply formalize, and expand to other countries, the Gift-of-Democracy program already in operation to provide material aid to the new parliament in Poland.

I believe that SEED II does what good legislation should do, by setting out: broad goals and authorities, actions recommended for presidential consideration, certain actions required, funds adequate to do the job, the Executive flexibility to allocate that money under changing circumstances, and reporting requirements to facilitate congressional oversight.

As shown in the accompanying table, SEED II authorizes an FY 91 appropriation of $535 million substantially higher than the $300 million requested by the Administration. A majority on the Foreign Relations Committee was convinced that the larger effort was warranted and could be cost-effective in serving two fundamental U.S. interests:

(1) Consolidating the transformation of the communist world; and

(2) Ensuring a major political and economic role for the United States in the new Europe that will emerge.

Otherwise, I believe the bill contains no provisions that are at odds with Administration policy. Indeed, as the first order of business during floor action, I intend to propose a "Committee amendment" containing a variety of minor adjustments based upon Administration comments and additional Administration requests, which the Committee expects to receive shortly.

Because of the importance of this legislation and the considerable efforts within the Foreign Relations Committee to shape a bill that provides a broad mandate and wide flexibility to the President in meeting the challenge in Eastern Europe, I hope you will support prompt enactment of SEED II.

With every good wish.

Ever sincerely,

CLAIBORNE PELL.
Chairman.

SEED FUNDING LEVELS

	SEED I Authorizations 3 yr [1]	SEED I appropriations	SEED II House appropriations [2]	SEED II SFRC
Large scale loans/grants and food aid:				
Food aid	125	125		
Multilateral action	200	200		
Enterprise funds	300	50	214	225
AID/E.F.-type activities				
Private sector development:				
Labor transition	5	1.5		
Technical training	10	3		
Scholarships	10	2	80	100
Trade/develop program	6	2		
Peace Corps	6	2		
(American business centers)				(3)
Dem. Inst./Exchanges:				
Dem. institutions/exchanges	12	4		
Exchanges/ed. & cul.	12	3	20	40
Science/technology	8	3		
(Parliamentary partnership)				[4] (12)
(Books for Eastern Europe)				(3)
Environment/housing/health:				
Environment	40	13.5		
Housing			105	100
Medical	4	2		
EBRD			70	70
Total	738	411	489	535
Supp. for missions/personnel				50

[1] SEED I authorizations unused during FY 90 will be repealed by SEED II, and the process shifted onto an annual basis.
[2] The House Appropriations bill has already passed the House.
[3] Activity is mandatory, but with no specific amount earmarked.
[4] $12 million to be transferred to support the Parliamentary Partnership program of material and advisory assistance to new parliaments, overseen by the Joint Task Force on East European Parliamentary Development.

SECTION-BY-SECTION SUMMARY OF THE SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT (AS AMENDED BY SEED II)

Sec. 1. Title and table of contents:

Sec. 2. United States policy regarding Eastern Europe:

This section provides an overall statement of United States policy, which is to promote the transition of communist countries of Europe to free-market democracy and full membership in the family of democratic nations.

Sec. 3. Legislative authority for Presidential action:

This key section describes the essence of the SEED legislation, which is to provide technical assistance for environmentally-sound development of private sector economic institutions and democratic political institutions.

The definition of an "eligible" country is set forth such that the President is authorized to use any particular authority in the SEED Act if he determines that the use of that authority would assist a particular European country in the emergence or transition from communist rule "through the development or strengthening of democratic institutions and the practices of a free-market economy."

While this authority would enable the President to extend technical assistance (primarily in the nature of instruction and advice) into the Soviet Union or any of its republics for purposes of strengthening the private sector or building institutions needed for democracy, loans or grants to the Soviet Government, or any instrumentality thereof, are explicitly prohibited in Title XII.

Sec. 4. Support for East European democracy (SEED) Program:

This existing, but now expanded section, identifies all of the activities of the U.S. Government—some authorized in this bill, some authorized and funded elsewhere—that comprise the overall SEED effort.

TITLE I—STRUCTURAL ADJUSTMENT AND U.S. SUPPORT FOR MULTILATERAL ACTION

Sec. 101. Policy and authority on structural adjustment:

This section encourages and authorizes the President to join in a multilateral debt write-down in Eastern Europe. This action would be highly cost-effective inasmuch as the U.S. would sacrifice an almost worthless "asset" (debt unlikely to be repaid) for the enormous financial improvement in the condition of countries such as Poland that would result from an across-the-board lifting of debt by all Paris Club lenders.

Sec. 102. Agricultural assistance:

This section encourages appropriate P.L. 480 assistance as part of a multilateral program of agricultural aid for Poland and other eligible countries.

Sec. 103. Debt-for-equity swaps and other special techniques:

This section advocates innovative techniques for accomplishing multiple goals, such as debt reduction combined with environmental improvement.

Sec. 104. IMF membership:

This section urges U.S. efforts to promote International Monetary Fund membership for East European countries at the appropriate time.

Sec. 105. OECD East-West Center:

This section urges United States participation in this new institution.

Sec. 106. European bank for reconstruction and development:

This section sets forth relevant findings, followed by authorization of U.S. participation in the EBRD.

TITLE II—PRIVATE SECTOR DEVELOPMENT

Sec. 201. Enterprise funds for Poland and Hungary:

This section, enacted in SEED I, provides basic authority for the Polish-American and Hungarian-American Enterprise Funds.

Sec. 202. A.I.D. authority to support private sector development:

This section provides broad authority to AID to conduct Enterprise-Fund type activities.

Sec. 203. Labor market transition:

This section, enacted in SEED I, provides basic Dept. of Labor authority for SEED activities.

Sec. 204. Technical training for private sector development:

This section authorizes a variety of AID programmatic goals in many fields. The activities described in 208–216 would be specific ways to accomplish a number of these goals.

Sec. 205. Free enterprise corps:

This section defines the concept of a Free Enterprise Corps to promote private sector development and encourages AID to aggregate a number of programs under this heading.

Sec. 206. Peace Corps programs:

This section encourages Peace Corps activities supportive of the SEED Program and consistent with the Peace Corps Act.

Sec. 207. Use of local currency generated by agricultural assistance:

This section authorizes certain uses for local East European currency produced by the sale of U.S. agricultural aid.

Sec. 208. International Executive Service Corps (IESC):

This section encourages effective utilization of the IESC.

Sec. 209. Practical Business Training Program:

This section describes and encourages establishment of a program to support practical business training for East European business managers and executives.

Sec. 210. Worker retraining assistance:

This section encourages U.S. support for worker retraining and job placement in eligible East European countries and use of the AFL-CIO Free Trade Union Institute as a key agency for such assistance.

Sec. 211. Travel tourism training for early hard currency earnings:

This section encourages U.S. assistance for training in the skills needed to realize the hard-currency earnings potential of the travel/tourism industry in East European countries.

Sec. 212. SEED Foundation:

This section authorizes and encourages the establishment of a new foundation, modeled on the highly successful Inter-American Foundation, to operate at the grass roots level to assist the start-up of small businesses in Eastern Europe. (Sec. 101 encourages arrangements whereby East European governmental debt not forgiven is repaid in local currencies which are then channeled into SEED Foundation activities.)

Sec. 213. Business and management education initiative:

This section encourages the President to provide financial support for a comprehensive program under which American universities with strong business schools would assist East European institutions of higher education in developing curricula in business and management skills.

Sec. 214. Support for family farm and agribusiness development:

This section sets forth policy goals for U.S. assistance for family farm and agribusiness development in eligible East European countries.

Sec. 215. United States policy of private financial support for credit unions:

This section sets forth a policy regarding U.S. encouragement of the development of credit unions in Eastern Europe.

Sec. 216. Small Business Administration programs:

This section encourages SBA programs in Eastern Europe where those activities would augment and not duplicate other U.S. private sector development initiatives.

TITLE III—TRADE AND INVESTMENT

Sec. 301. Use of generalized system of preferences:

This section notes that Poland was granted eligibility for GSP trade treatment by SEED I, and encourages the President to use such authority as appropriate to promote private sector development in that country.

Sec. 302. Overseas Private Investment Corporation Programs:

This section (in conjunction with amendments elsewhere in the SEED II bill) urges and authorizes the President to expand OPIC programs in Eastern Europe in accord with the eligibility criteria set forth in section 3.

Sec. 303. Export-Import Bank Programs:

This section urges and authorizes the President to expand EXIM Bank activities in Eastern Europe in accord with the eligibility criteria set forth in section 3 (while noting that EXIM Bank activities in any country can begin only after trade normal-

ization has occurred under the criteria and procedures of the Jackson-Vanik amendment).

Sec. 304. Trade Credit Insurance Program for Poland:

This section notes that SEED I authorized the President to provide back-up guarantees to the EXIM Bank for the short-term financing of exports to Poland; notes further that elsewhere in SEED II the President is authorized to guarantee medium-term financing as well; and encourages the President to use such authorities as appropriate to promote Polish private sector development.

Sec. 305. Trade and development program activities:

This section authorizes Trade and Development Program activities in eligible East European countries.

Sec. 306. Bilateral investment treaties:

This section urges the President to seek bilateral investment treaties with eligible East European countries.

Sec. 307. Reduction of Cocom restrictions:

This section encourages further reduction in Cocom export controls consistent with the need to protect militarily sensitive technology.

Sec. 308. Conference on expanded technological cooperation:

This section "urges the President to act, in cooperation with its allies and eligible East European countries, to support the convening of a non-governmental international conference, involving key leaders in science and industry, that would yield analysis and recommendations of means by which valuable advanced technologies might be incorporated safely, with rigid and effective safeguards against diversion and military use, in expanded East-West economic activity."

Sec. 309. Port access:

This section promotes a policy of granting greater access to U.S. ports for the vessels of eligible East European countries by mandating that access of such vessels shall not be denied except for reasons of "safety, protection of the national security, and the need to rectify unfair foreign trade and shipping practices."

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

Sec. 401. Educational and cultural exchanges and sister institutions programs:

This section urges the expansion of various government-funded and privately-funded exchange activities, and governmental support for the establishment of "sister institution" relationships between American and East European cities, universities, and other organizations.

Sec. 402. Scholarship partnership:

This section authorizes AID to establish and administer a program of scholarship aid to enable East European students to study in the United States, with an emphasis on business and economics.

Sec. 403. Science and technology exchange:

This section authorizes funding for implementation of existing science and technology exchange agreements with Hungary and Poland, and urges negotiation of similar agreements with other eligible East European countries.

Sec. 404. Clearinghouse to promote cooperation in higher education:

This section urges USIA and the Department of Education to cooperate in providing a clearinghouse to facilitate creation of "sister institution" relationships between American and East European colleges and universities.

Sec. 405. Soviet debt repayment and United States-Soviet exchange:

This section expresses congressional approval of the concept of Soviet repayment of outstanding Lend-Lease debts in the context of a bilateral agreement under which the United States would agree to use proceeds from such repayment to support educational exchange and SEED Foundation activities that would strengthen free-market democracy in the Soviet Union.

Sec. 406. Books for Eastern Europe Program:

This section requires implementation of a Books-for-Eastern-European program designed to enhance the printing and publication capabilities of eligible East European countries in order to meet their urgent need for new political, historical, and economic literature.

Sec. 207. Library exchange:

This section urges financial support for efforts by U.S. libraries with relevant resources to assist East European libraries in reconstituting themselves as repositories of national culture and heritage.

Sec. 408. Andrei Sakharov educational exchanges:

This section, in combination with another, authorizes and urges implementation of an Andrei Sakharov exchange program to facilitate study by graduate students in the United States and eligible East European countries in the fields of environmental protection and the health sciences.

TITLE V—DEMOCRATIC INSTITUTION-BUILDING

Sec. 501. Sustained support for transition to democracy:

This section authorizes the President to use AID, USIA, the National Endowment for Democracy, and other agencies in a "comprehensive and sustained effort to facilitate the transition in Eastern Europe from totalitarian communist rule to a system of political democracy" through assistance in the building of judicial, economic, journalistic, trade union, and political institutions.

Sec. 502. Association of Former Members of Congress:

This section urges appropriate utilization of the Association of Former Members of Congress in "a constructive role in advertising government and organizations in Eastern Europe on electoral and legislative procedures of constitutional democracy."

Sec. 503. Civic education exchanges:

This section urges implementation of a USIA program to familiarize educators in East European countries with American curricula concerning the principles and practice of constitutional democracy.

Sec. 504. Institutionalizing civilian control of security forces:

This section urges U.S. leadership in a multilateral effort to promote instruction designed to assist East European nations in establishing civilian oversight and management of defense and internal security forces.

Sec. 505. Strengthening institutions of free broadcasting:

This section urges U.S. leadership in a multilateral effort to assist eligible East European governments in establishing institutions of governance and operation for editorially independent radio and television broadcasting.

Sec. 506. Rule-of-law initiative:

This section urges utilization of the American Bar Association in a program that would mobilize the Association's resources to provide technical assistance and training in the areas of constitutional law, criminal justice, judicial reform, and other legal areas of interest to eligible East European countries.

TITLE VI—FOSTERING PARTNERSHIP

Sec. 601. Parliamentary Partnership Program:

This section establishes a Parliamentary Partnership Program, funded at $12 million, to provide material assistance and advisory support to newly established East European parliaments. This effort, to be overseen by a joint congressional task force, will be supplemented by exchange activities administered by USIA.

602. Multilateral interparliamentary cooperation:

This section expresses congressional support for the establishment of a 35-nation (CSCE member) interparliamentary assembly modeled (and perhaps built) on the North Atlantic Assembly, in which Congress has participated actively since 1955. The provision mandates appointment of a small congressional delegation to explore and participate in current European efforts to form such an institution.

Sec. 603. Joint Commission on Economic Conversion and Constructive Partnership:

This section urges U.S. participation in a joint U.S.-Soviet commission mandated to identify potential joint economic ventures of mutual benefit; means by which defense resources could simultaneously be reallocated to non-military purposes; and ways in which the two powers could exercise joint leadership in improving the global environment, world health care, and human welfare.

Sec. 604. Role of the States:

This section encourages participation by governors and State agencies in SEED Program-related activities, and mandates the Executive branch to provide necessary information to assist governors in preparing proposals for SEED Program participation.

TITLE VII—SUPPORT FOR AMERICAN BUSINESS INITIATIVE

Sec. 701. Director for American business initiative in Eastern Europe:

This section mandates the President to designate a Director for American business initiative in Eastern Europe to be responsible for operations of the East European Business Information Center system (and related job bank and market research activities); to assist in the establishment and operation of American Business Centers in Eastern Europe; and to coordinate the White Conference and Presidential Advisory Board mandated by this title.

Sec. 702. East European business information center system:

This section mandates the President to establish an information system to serve as a clearinghouse for information needed by Americans engaged in business and voluntary activities in Eastern Europe.

Sec. 703. Creation of American business centers to promote technical assistance and trade opportunity:

This section urges the creation of a network of American Business Centers to support, on a user-fee basis, the start-up business activities of U.S. firms in Eastern Europe. The provision mandates creation of two such Centers at locations to be determined by the President.

Sec. 704. Market research and job banks:

This section mandates the Director of American business initiative in Eastern Europe to undertake an intensified program

of market research in that region to identify the full range of business opportunities for American firms, and urges the establishment of a job bank system to catalog the names and skills of American and East European applicants.

Sec. 705. White House Conference and Presidential Advisory Board to Promote American business initiative in Eastern Europe:

This section urges the President to convene a White House conference and assemble a Presidential Advisory Board in order to develop effective means of supporting American business activity in Eastern Europe.

TITLE VIII—ENVIRONMENTAL PROGRAMS

Sec. 801. Environmental initiatives:

This section authorizes a range of assistance activities in Eastern Europe to be conducted by the Environmental Protection Agency and the Department of Energy, to include U.S. support for the establishment of a Regional Environmental Center in Budapest.

Sec. 802. Technical assistance to prepare for environmentally sound infrastructure modernization:

This section urges emphasis on technical assistance that serves to assist eligible East European countries in planning for environmentally-sound infrastructure modernization and, in the process, orients decision-makers in such countries to the merits of American-produced environmental technologies.

Sec. 803. Conference on the environment:

This section urges U.S. support for an international environmental conference under the auspices of the Regional Environmental Center in Budapest.

Sec. 804. Energy and Environmental institutes:

This section urges U.S. support for the creation of national energy and environmental institutes in eligible East European countries to promote sound national decision-making and the successful functioning of the Regional Environmental Center.

Sec. 805. Cooperation on conservation:

This section urges U.S. support for the development of sound conservation policies in Eastern Europe, with emphasis on protection of water resources, fish, and wildlife, and authorizes participation by the U.S. Fish and Wildlife Service.

Sec. 806. Agenda for regional environmental center:

This section urges the President to advocate certain goals in the context of negotiations aimed at creating an agenda for the Regional Environmental Center in Budapest.

Sec. 807. Safer nuclear power:

This section urges the President to promote the attainment of a multilaterally-supported, independent and objective examination of nuclear facilities in Eastern Europe, leading to recommendations regarding the future of such facilities.

TITLE IX—HEALTH, HOUSING, AND HUMANITARIAN PROGRAMS

Sec. 901. Medical assistance:

This section authorizes assistance to eligible East European countries for medical training and health care planning.

Sec. 902. Assistance for housing:

This section authorizes technical assistance to eligible East European countries to improve housing and associated infrastructure, and authorizes guaranties under the housing guarantee provisions of the Foreign Assistance Act of 1961.

Sec. 903. Aid for victims of Communist regimes:

This section urges the Administration to act with allies and multilateral humanitarian agencies, to assist persons traumatized by brutal treatment under the old order in Eastern Europe, and specifically calls for the President to act to ameliorate the plight of Romanian orphans.

TITLE X—SEED PROGRAM MANAGEMENT

Sec. 1001. Policy coordination of SEED Program:

This section, enacted in SEED I, directs the President to designate a SEED Program Coordinator within the Department of State.

Sec. 1002. Encouragement and support of volunteerism:

This section urges the Director of American business initiatives in Eastern Europe, under the direction of the President, to use the East European Business Information System, the job banks under section 704, periodic mailings to American civic organizations, and other means to encourage and support voluntary assistance to eligible countries.

Sec. 1003. Adequate staffing at United States Embassies and missions:

This section directs the Secretary of State to study the personnel needs of U.S. missions and trade centers in Eastern Europe, and directs that the $50 million in additional funds authorized to be appropriated by section 1201(a)(3) be used so as to meet increased personnel needs in Eastern Europe while sustaining U.S. representation levels in Western Europe during a time of sweeping economic change throughout Europe.

Sec. 1004. Soviet-Eastern European Research and Training Act Program:

This section urges allocation of some of the funds authorized by section 1201(a)(3) to this program that supports training of U.S. experts on Eastern Europe.

Sec. 1005. Cost-effective use of surplus equipment:

This section mandates the General Services Administration and the Department of Defense to survey existing U.S.-Government-owned surplus equipment for possible cost-effective use in the SEED Program, and authorizes such assistance with certain limitations.

TITLE XI—REPORTS TO CONGRESS

Sec. 1101. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance:

This section, enacted in SEED I, required a report on early actions and needs under the SEED Program.

Sec. 1102. Report on confidence-building measures by Poland and Hungary:

This section, enacted in SEED I, required a report concerning certain measures that could be taken by Poland and Hungary.

Sec. 1103. Report on environmental problems:

This section, enacted in SEED I and modified by SEED II, elaborates on the environmental reporting required to be included in the annual reports submitted under section 1104.

Sec. 1104. Annual SEED Program report:

This section requires and describes an annual SEED Program report to be submitted beginning not later than January 31, 1991.

Sec. 1105. Reports on certain activities:

This section requires a simultaneous classified report on any espionage activities against the U.S. and its allies by any country receiving assistance under this Act.

Sec. 1106. Notifications to Congress regarding assistance:

This section requires notifications concerning reprogramming of funds in accord with established procedures under the Foreign Assistance Act of 1961.

TITLE XII—SEED PROGRAM FUNDING

Sec. 1201. Authorization of appropriations:

This section authorizes: $465 million in FY91 funding for various kinds of bilateral SEED Program assistance to eligible countries; a $70 million FY 91 contribution to the European Bank for Reconstruction and Development as the first of five equal annual contributions; and $50 million in additional FY 91 funding for the Department of State and other foreign affairs agencies.

The $465 million for bilateral aid is further allocated (without specific earmarks) among various titles of the SEED Act, and three activities are established as mandatory: the Parliamentary Partnership program (required by Sec. 601); the Books-for-Eastern-Europe program (required by sec. 406); and two model American Business Centers (required by sec. 703).

Sec. 1202. Technical provisions:

This section contains certain technical provisions relating to the use of funds authorized by section 1201.

EULOGY FOR ALTHEA SIMMONS

Mr. BIDEN. Mr. President, I speak with a heavy heart in memory of a close, good friend. Yet as I speak in memory of Althea Simmons, while I mourn her recent death, I cannot speak mournfully of her life, nor of the long personal friendship I enjoyed with her during her 13 years as the director of the NAACP's Washington office.

Althea Simmons was an extraordinary person, an extraordinary woman, a highly skilled black lawyer from Shreveport, LA, who brought to her Washington duties a wisdom untainted by the bitterness of 26 years as an NAACP field organizer in the troubled South of the fifties and sixties might understandably have engendered in her. It was not, by any means, that she had been unaffected by those long, frustrating, often dangerous years. You had only to meet her once to see clearly in her eyes the record of the costly successes and costlier disappointments of those years, and to see in that same direct, unwavering gaze the inner strength and the utter fearlessness that had carried her though them.

Although she left behind a South that had begun to free itself from the shadows of the past and today struggles side by side with the rest of the nation toward a fuller, freer future for all Americans, she came to Washington knowing that her task was far from finished, knowing that she would not live to see it concluded—and absolutely undaunted and unembittered by that realization. She had the capacity to draw strength and courage both from the adversity of the past and

from the promise of the future, and she never burdened herself either with regrets for causes lost nor with illusions about victories yet unwon. She was that rarest and most invaluable of personalities—an idealist who never abandoned her vision and a pragmatist who never scorned the hard, plain work it takes to make a dream come true.

As anyone who knew her will testify, being lobbied by Althea Simmons was a unique experience. It was as though she had somehow absorbed both the smiling, persistent, don't-take-no-for-an-answer political persuasion of a Lyndon Johnson and the gentle-but-oh-so-tough moral muscle of a Martin Luther King, Jr. If you found yourself alone in a room with Althea on a mission, you came out on her side—or wishing you were. You couldn't ignore her and she left you no place to hide. When you talked with her, you knew you were hearing the unvanquished, unvarnished voice of a truth she had lived and meant to be heard; a voice that made her case with care and precision—and a directed passion that was never off target; a voice that was by turns quietly persuasive and eloquently forceful; a voice that blended moral strategies and practical tactics into irresistible argument.

She was canny and she was cagey, but she never allowed you to lose sight of her objective. She was never threatening, but she never allowed you to be confused about the probable consequences of your actions or inactions. She knew when to push and when not to push—and when she applied the pressure, it was always framed in compelling moral terms that conveyed an unmistakable political message. And she resolutely refused to look back. Her approach was never, "What have you done for me lately?", but "What can we do next?"

No one who knew her will ever forget Althea Simmons. I grew to know her well over the years. I learned to admire her ability as a advocate. I learned to respect her intergrity in a cause, even when I could not always go as far as she wished—although I will admit with no apology that more often than not I took her advice, because she urged me in directions my conscience knew I should take and my judgment told me the country should take.

I was first introduced to Althea Simmons by my good friend and her predecessor, Clarence Mitchell, and I learned quickly to value her, too, as a friend, my friend. No matter how keenly she felt her cause in a given instance, I knew she would not ask me to do anything I found personnally disagreeable or damaging—not simply to make it easier for her to come back and fight another day, but even more to make it possible for me to do better on another day. And no matter how much I might fall short of her standard on a given occasion, she would not convert her disappointment with me into a personal grievance—not simply to avoid offending me, but even more to avoid offending her own sense of values and her own definition of friendship.

She was a friend in need who struck the right note with no overtones of quid pro quo—when I was deciding whether to withdrew from the campaign for the presidential nomination, she wrote to argue, touchingly, that I should not; and when I had a brush with death a few months later, she wrote, warmly, of her alarm, her sympathy for my family and her relief at my recovery. And she wrote not as Althea the lobbyist, dashing off some practiced boilerplate, but as Althea, my friend, sharing her own matchless strength and unalloyed courage—not because I was a Senator, not because I chaired the Judiciary Committee that was the avenue to most of her goals, but because she was Althea, she was my friend, and she cared. I will miss her more than I can say, but I will never forget her.

None of us—in the Senate, in the House, among her fellow toilers in the vineyard of civil rights, and most of all among her friends—will ever forget Althea Simmons, and she will not lack for monuments, for she built her own in a lifetime of dedication to the welfare of those for whom and among whom she worked for many years in the field, to the civil rights which are the most precious possession of all Americans, and to the even greater future of the great Nation she loved and labored for.

We will never say goodbye to the memory of Althea Simmons, but we can offer her an epitaph in action, and I believe there is no better place to find the prescription for it than in the words of her good friend, our good friend—the affectionately titled "101st Senator"—Clarence Mitchell, who could not have spoken better for Althea Simmons than when he said, "What is important is building a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just." And that is how we will best remember her. Each day we move closer to providing America with the shield and sword of that demoracy, each day we act in this place to preserve and extend the civil rights and civil liberties to which she dedicated her life, we bring Althea Simmons' dream closer to the reality she was sure it would one day achieve, and we hold her closer to our hearts.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,013th day that Terry Anderson has been held captive in Beirut.

Since the August 2 invasion of Kuwait, two significant questions have gone unanswered. What has become of the da'wa prisoners? And how will their fate affect the hostages in Lebanon held by Islamic Jihad?

Last week we heard reports that these prisoners had been "turned over" to Iran. That Imad Mughniyeh's brother-in-law is in the hands of a longtime ally. Yesterday, the Associated Press reported that Iran's Ambassador to Pakistan, Javad Mansoori, "refused to elaborate but said Teheran has received 'promises' from pro-Iranian groups holding the hostages in Lebanon."

In a thorough special to the New York Times, Elaine Sciolino notes these developments as well as the administration's acknowledgment that "the invasion may have indirectly improved the chances of freeing American hostages long held in Lebanon." Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the New York Times, Sept. 19, 1990]

IRAN, HOLDING KEY, HINTS AT HOSTAGE RELEASE

(By Elaine Sciolino)

WASHINGTON, September 18.—Iraq's invasion of Kuwait may have indirectly improved the chances of freeing American hostages long held in Lebanon, Administration officials said today.

In the confusion of the invasion, a group of prisoners whose fate is tied to that of the hostages were freed and are now in the hands of the Iranian authorities, the officials said. Iran has considerable influence over the Shiite Muslim factions linked to the fundamentalist Party of God, which holds most of the 12 Western hostages in Lebanon.

In 1983, 17 men were imprisoned in Kuwait for conducting a terrorist campaign against the American and French embassies and public buildings and oil installations. The primary condition for the release of some of the Western hostages was freedom for these prisoners, Iraqis who belong to Al Dawa, or The Call, a radical Shiite Muslim group outlawed by President Saddam Hussein of Iraq that was dedicated to exporting Iran's revolution.

ASSAD TO VISIT TEHERAN

The first official hint of a possible hostage release came in statements today by Javad Mansoori, Iran's Ambassador to Pakistan, who said that some hostages may be freed in the next few days. "The number and when is not known," Mr. Mansoori said at a news conference in Islamabad, The Associated Press reported. The Ambassador added that Iran had received "promises" from pro-Iranian groups holding the hostages in Lebanon.

In Damascus, President Hafez al-Assad of Syria announced that he will visit Teheran next week, where the fate of the hostages is expected to be one of the main topics. Syria, Iran's main Arab ally and the primary

power broker in Lebanon, has helped bring about earlier hostage releases.

Islamic Holy War, a pro-Iranian group, has repeatedy demanded the release of the prisoners as a condition for freeing its hostages, Terry A. Anderson, the chief Middle East correspondent of The Associated Press, and Thomas Sutherland, dean of agriculture at the American University of Beirut, who have both been held since 1985. The leader of Islamic Holy War, Imad Mugniyah, is the brother-in-law of one of the prisoners.

"Iran has always had some ability to influence the hostage takers, but now their influence is greatly enhanced," said Zalmay Khalizad, a senior analyst at the RAND Corporation and a former State Department official who followed Iran and Iraq.

The Kuwait Government, with strong United States support, consistently refused to bargain the prisoners for the hostages. But Iran has varying degrees of leverage over the loosely knit terrorist groups known collectively as the Party of God that hold six Americans, three Britons, two West Germans and an Italian.

The Teheran Government has occasionally used its influence to win the release of Western hostages, and President Hashemi Rafsanjani hostages in Lebanon should be freed.

When Kuwait was invaded, 15 of the Dawa prisoners were still being held and 2 had been released after serving five-year sentences.

Administration officials do not agree on how the prisoners fell into Iranian hands. Some say that during the invasion the 15 prisoners escaped from the high-security Salibeyeh Prison. Most made their way to Iran, although some are believed to have fled elsewhere, probably to Lebanon, these officials said. Other officials believe that the prisoners were seized by Iraqi troops, taken to Baghdad and handed over to Iran to win concessions from Teheran. Baghdad has reportedly been trying to induce Teheran to help break the economic embargo imposed on Iraq after the invasion of Kuwait.

"They were scooped up within 24 to 36 hours of the invasion and taken to Baghdad to be bargained," said an Administration official who closely follows Iran. "They were turned over to Iran as a conscious act of policy."

The release of the American hostages is of deep concern in the Bush Administration. Secretary of State James A. Baker 3d told reporters that he discussed the issue in his meeting last week with President Assad of Syria.

Mr. Baker said he stressed the importance of the hostages' release and thanked Mr. Assad for his past efforts to win freedom for some of those held. Mr. Assad did not indicate that he thought the hostages would be freed soon Mr. Baker said.

Since the invasion of Kuwait, the Bush Administration has begun a concerted public and private diplomacy campaign to send Iran three basic messages that Washington wants to improve relations with Teheran, that it is in Iran's interest to comply with the global embargo of Iraq and that American forces in Saudi Arabia are not a threat to the Teheran Government.

Days after the invasion, there were unconfirmed reports that the Dawa prisoners had been rounded up and taken to Baghdad for execution. Kuwait's chargé d'affaires in Jordan, Faisal al-Mukhaizem, was quoted as having said that the prisoners were taken to Baghdad and that the Iraqis planned "to use them as bargaining counters."

Two weeks after the invasion, a Lebanese man who fled from the Kuwait prison said the Dawa prisoners were at large in Kuwait and waiting to flee to Iran, United Press International reported from Tyre, Lebanon, on Aug. 18. The agency quoted the Lebanese, Abdel Aziz Krayem, a 40-year-old Shiite Muslim who was serving a 15-year term for masterminding bombings in Kuwait, as having said the prisoners fled after some family members of Kuwaiti prisoners "just disappeared into the streets of Kuwait," U.P.I. quoted Mr. Krayam as having said.

TRIBUTE TO ALTHEA T.L. SIMMONS, ESQ.

Mr. HEFLIN. Mr. President, in March of this year, I gave a floor speech entitled, "National Bar Association Honors Mayor David Dinkins and Attorney Althea Simmons." I wish to reiterate excerpts from that floor speech at this time.

Mr. President, I have known Attorney Althea T.L. Simmons ever since she succeeded the late Clarence Mitchell as Chief Congressional Lobbyist for the Washington, D.C., Bureau of the NAACP. Although he was a very tough act to follow on Capitol Hill, Althea has met the challenge of becoming a good lobbyist by walking quietly in her own footsteps.

One of my colleagues and friends on the Senate Judiciary Committee, Orrin Hatch, has said of Althea, "She's one of the most effective, intelligent lobbyist on the Hill today. * * * She knows the issues and pushes them with a great deal of aplomb. * * * She's had a great influence on me."

She has worked quietly behind the scenes with other civil rights groups to help win such legislative victories as the extension of The Voting Rights Act, The MLK, Jr., Birthday National Holiday Bill, and a bill imposing sanctions against South Africa.

Mr. President, I regret very much to say that Althea will be unable to accept her Gertrude E. Rush Award in person on Saturday, March 24th. It is my understanding that she has been an inpatient at the Howard University Hospital since around the first of November, 1989. Her discharge date is still uncertain. Nevertheless, I still wish to congratulate her and wish for her speedy return to her job and to Capitol Hill!

Mr President, last week the national civil rights community lost one of its most dynamic advocates—Althea T.L. Simmons. She will be eulogized tomorrow at the Asbury United Methodist Church here in Washington, DC.

As I understand it, tomorrow's funeral services will celebrate her life. In fact, the obituary has been designated euphemistically, "Reflections on a Life."

Mr. President, I ask unanimous consent that these reflections be printed in the RECORD.

There being no objection, the obituary was ordered to be sprinted in the RECORD, as follows:

REFLECTIONS ON A LIFE, ALTHEA T.L. SIMMONS–APRIL 17, 1924–SEPTEMBER 13, 1990

Universally, the oak tree symbolizes all that is good on earth. Early in the night of September 13, 1990, a mighty oak tree fell! Like a giant, towering, majestic oak, Althea, too, had expansive roots, branches, and leaves. Her great life was enduring, endeavoring, endearing, and energizing. The acorns from her tree have been scattered far and wide; while many have reached maturity, others are only now taking root.

Althea's strong roots touched the lives of many people. As Associate Director of Branch and Field Services of the NAACP, she had the responsibility of supervising its nationwide network of branches, field staff and the Membership and Youth and College Division. During her 28 years of service with the NAACP, she also held posts of National Education Director, National Training Director, Special Voter Registration Projects Director, and Director of the NAACP's 1964 voter registration drive.

Althea's true greatness was tried, tested, measured, and proven when she was tapped to be the successor to then retiring Clarence Mitchell as Chief Congressional Lobbyist for the Washington D.C. Bureau of the NAACP. She earned the reputation of being "one of the most effective, intelligent lobbyist on the Hill * * *"—strong, sturdy, reliable, renewing.

Althea's branches spread far and wide. She served:

As Chair of the Judicial Selection Committee of the National Bar Association;

On the editorial board of Integrated Education;

On the Board of the National Council on the Aging;

On the Executive Board of Delta Sigma Theta Sorority, Inc., as Co-Chair of the Commission of Social Action;

As former Chair of the Administrative Board of the Asbury United Methodist Church;

As a member of the General Board of Pensions of the United Methodist Church, where she was a member of the Committees on Corporate Fiduciary Responsibility, and Appeals; and chaired the Committee on Legal Concerns; and

As Committee Chair for a number of other national organizations.

Althea had strong educational roots—Southern University (LA); the University of Illinois; Howard University School of Law; and others. She received numerous awards and recognitions professionally, as well as for community services and civil and human rights.

Althea is survived by a sister, Earldean V.S. Robbins, of San Francisco; four nieces—Robin Simmons Robins, Alfreda Wall, Jacqueline Glover, and Sharon Simmons; and three nephews—Brett Simmons Robins, Michael and Darryl Simmons.

Compassionate, dedicated, and with a deep sense of justice, this generous life appeared as a mighty oak; and "* * * only God can make a tree."

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

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

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I ask unanimous consent that I be able to

proceed under morning business for a very brief period of time.

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

ACID RAIN

Mr. DIXON. Mr. President, I rise today to call the attention of my distinguished colleagues to the recently released findings of the National Acid Precipitation Program. After a 10-year, $537 million study of acid rain, the report concludes that acid rain is in fact a long-term problem, but not the crisis we have been led to believe.

My purpose is not to deny our responsibility to mitigate the effects of acid rain. It is simply to make the case, once again, that it is absurdly unfair to ask just 9 States to account for 90 percent of acid rain reductions in the first phase, when those 9 States account for only 51 percent of total sulfur dioxide emissions. This is especially onerous when, at the same time, 18 other States will actually be allowed to increase their sulfur dioxide utility emissions. Acid rain is a national problem whose burden should rightfully be shared nationally.

To paraphrase an editorial from yesterday's Chicago Sun-Times, the acid rain title of the Clean Air Act will shaft the Midwest. Mr. President, I ask unanimous consent that the article referred to, written by Mr. Dennis Byrne, be reproduced in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. DIXON. Mr. Byrne points out, as I have many times, that the acid rain restrictions imposed by the Clean Air Act will increase some Midwest consumer's electric bills by as much as 25 percent and cost thousands of Illinois coal miners their jobs.

Interestingly enough, we are now hearing reports that while acid rain is certainly not benign, the emissions that are responsible for acid rain may actually help slow the advance of global warming.

Those of us from the industrial Midwest who were not represented on the committee that reported the acid rain title, offered proposals to share the cost of the clean up through generation fees, excess emission fees, industrial emission fees, and through tax credits for those that were required to make disproportionate reductions. Any of those proposals would have restored a little bit of equity to the acid rain reduction plan. Regretably, all were defeated.

Mr. President, at a time when our future energy costs remain uncertain, and additional energy taxes are being considered as a means of reducing our budget deficit, the findings of the national acid rain precipitation program report provides further support for the Clean Air Act conferees to restore some sort of equity to the acid rain provisions. We are not asking for a handout, Mr. President. We are asking for simple equity.

Mr. President, I ask unanimous consent that an editorial that appeared in the Chicago Sun Times September 10, be printed in the RECORD, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, AS FOLLOWS:

[From the Chicago Sun-Times, Sept. 10, 1990]

EASE ACID-RAIN PROVISIONS IN BILL

After 10 years, it's official: Acid rain is a long-term problem, but not an environmental emergency or crisis, as feared when the government began its $537 million study of acid rain in 1980.

The scientific report by the National Acid Disposition Program appears to support the judgment of Illinois' two senators, Democrats Alan J. Dixon and Paul Simon. They voted against the Clear Air Act last spring because, they said, its acid-rain provisions imposed unnecessarily harsh financial burdens on Illinois industry and would cost the state 18,000 jobs.

The report should encourage lawmakers to remove or soften those provisions in the Senate-House conference committee now wrangling over differences in the legislation.

The federal study should set the framework for further discussion on acid rain, which has generated more emotion than light in debate within the scientific, political and environmental communities. Two points in the study should be kept in mind:

Acid rain (emissions of sulfur dioxide and nitrogen oxides, mainly from coal-fired power plants) indeed damages the environment, threatening aquatic life in about 10 percent of streams in the East, possibly affecting sugar-maple forests in eastern Canada, reducing visibility in urban areas of the West, and helping to cause erosion and corrosion of stone and metal structures.

The degree of damage and potential damage in any of these areas is considerable less than estimated by alarmists.

These findings are particularly important to the Midwest, which has the country's largest concentration of coal-dependent utilities. Control measures that would be made necessary by the Clean Air Act, as now written, would run into the billions of dollars.

With fewer scientific uncertainties about acid-rain damage, government now can take the guesswork out of proposed regulations and work on the problem without costly disruption of heartland industry.

EXHIBIT 1

[From the Chicago Sun-Times, Sept. 18, 1990]

ACID RAIN RULES WILL SHAFT MIDWEST

(By Dennis Byrne)

Midwesterners are about to get shafted by Congress, and few people seem to care.

Thousands are going to lose their jobs and millions will have to cough up a ton of money to satisfy some East and West coast ideologues. But, so what? We're only Midwesterners.

The shafting is about to be applied by a congressional conference committee that, unless the sky falls in, will impose acid rain restrictions that will jack up some Midwest consumers' electric bills by as much as 25 percent and cost thousands of Illinois miners of high-sulfur coal their jobs.

All because it is an article of faith that emissions from Midwest power plants are destroying East Coast life forms. An article of faith, but not an article of science.

The latest scientific evidence to question the acid rain crisis-mongers comes from one of the most thorough, most expensive scientific studies ever conducted in this nation—the 10-year, $500 million National Acid Precipitation Program. It has tentatively concluded that acid rain is a problem, but not the crisis we're required to believe.

Yes, acid rain is helping to corrode stone and metal, and yes, it is reducing the ability of some high mountain trees to withstand the cold. But the program found that acid damage to eastern lakes is much less than the worst fears; that some tree damage may be more due to local soil conditions than to Midwest pollutants; that the evidence is lacking that acid rain in the United States harms crops. And on and on.

This isn't news. Scientists long have questioned the popular widom on acid rain. They have pointed out, for example, that the worst acid lake problems are in Florida, which does not receive high concentrations of acid rain. Other scientists are uncharacteristically passionate, calling the issue the "great acid rain flimflam."

All Congress had to do to discover that this is not a settled issue was consult the scientific literature. Instead, Congress consulted the likes of Rep. Henry A. Waxman (D-Calif.), who considers himself to be some kind of environmental czar whose word is law. Or Denis Hayes, the Earth Day 1990 chairman. A few months ago, when I asked Hayes for his opinion on the coming acid precipitation study results, he didn't have a clue to what I was talking about.

Most disappointing is the silence of the people in this state who strut around, claiming to represent the little guy against the ravages of high utility rates and big business greed. Not a word have we heard from them, because they would rather see rates go up or the little guy get fired than find themselves on the same side as a big, ugly utility in seeking to moderate the proposed acid rain restrictions. They would rather let some people join the unemployment line than find themselves on the same side as—ugh—Ronald Reagan who, albeit possibly in ignorance, questioned the seriousness of the acid rain problem.

I'm an environmentalist; some environmentalists think I am, too. But I am because that's where the scientific evidence leads me, not because of some feel-good, emotional high I get from being on the side of good, clean earth, sky and water. There's no better way to destroy the environmental movement than to base it on the emotional smog that energizes acid rain legislation.

Mr. DIXON. 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.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, Senators HATCH, METZENBAUM, PRYOR, HEINZ, and others who are principally involved in managing this legislation have been meeting throughout the day in an effort to resolve their differences and possibly reach an agreement that might enable the Senate to promptly dispose of this legislation.

Those discussions continue and, in order to permit them to go forward without inconvenience, I am momentarily going to suggest that the Senate stand in recess until 2 p.m. at which time we will be in a position to report to Senators on progress that has been made. I hope that we will be able to complete action on the bill today either by virtue of that agreement or even absent that. If we are unable to do so, then of course a cloture vote will occur tomorrow, cloture having been filed on the bill last evening.

So as to permit them to proceed and, hopefully, to reach agreement, Mr. President, I now ask unanimous consent that Senator GRAHAM of Florida be recognized to address the Senate, and that upon the completion of his remarks, the Senate stand in recess until 2 p.m.

I further ask unanimous consent that Senators still be permitted to file amendments until the hour of 1 p.m., under the cloture rule, as would be the case were the Senate in session during the time between now and 1 p.m.

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

Mr. MITCHELL. Mr. President, I thank my colleagues and I thank the Senator from Florida for his patience.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2075 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERREY. Mr. President, I ask unanimous consent to be permitted to speak as if in morning business and, as under the previous order, the Senate go into recess at the conclusion of my remarks.

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

THE GULF CRISIS

Mr. KERREY. Mr. President, since Iraq's invasion of Kuwait last month and our response, the United States and the world's response to this brutal and illegal action, I have been personally and greatly troubled. Something in all of the rationale and all the explanations seems to be missing.

At first the missing piece was what the President did not tell the American people. Speaking to a nation that knew very little about Saddam Hussein, he filled in the blank with a picture of Adolf Hitler. This was more than a comparison. It was the rationale; the call to arms; it would become the motivator of the troops, the explanation for domestic sacrifice, and the answer given when a mother and father stood sadly together before a photograph of their son in uniform to ask: Why?

Missing was the story of years of American support for this modern Hitler—support from Commerce Department, support from our Ambassador to Iraq, support which continued in the face of direct evidence that Iraq might be only hours away from invading Kuwait. Missing was an explanation of why this modern Hitler's territorial designs on oil-rich Kuwait threatened America's vital interests, if his designs on Iran had not. Missing was a discussion of whether an internationally coordinated economic embargo, which would have been inadequate to the threat of Adolf Hitler, will enable us to accomplish our goals in the gulf, as I believe it will.

The President's address to Congress last week suggests his rhetoric has cooled. The references to Hitler are gone.

Still, in the early days of our response Saddam Hussein had become Adolf Hitler in the minds of man—and I believe probably a majority—of Americans. The threat of Iraq had eclipsed all others including the Soviet Union, against whose extinguished threat we nonetheless continue to deploy the lion's share of our defense structure.

The President's invocation of Hitler brought a public response that gave him permission to do whatever he had to do, to use whatever force was necessary to stop Saddam Hussein because "if you didn't stop him here, the next thing you know he would be in control of the world." That was, and is, our cause.

Why does it matter, Mr. President, that the threat was originally overdrawn or drawn at least in very fuzzy lines? Was not Saudi Arabia at risk? Yes, it was. And if, as the President says, intelligence indicated an invasion of Saudi Arabia was imminent, was he not justified in deploying American troops? Yes, he was.

However, I continue to feel strong personal reservations about the nature and extent of our commitment, because the scope of the threat invoked by the President does not seem to be reflected in the attitude of many of the the soldiers in Saudi Arabia who were shouting at Gen. Colin Powell last week: When do we get to go home and why did you take away our basic allowance for quarters?

And it did not seem to be on the minds of many in Congress last Tuesday evening as they shouted their most enthusiastic response to the Commander in Chief when he proposed to reopen the capital gains tax loophole.

Missing is the grim-faced attitude of people who really believe that the United States or at least an important strategic asset, is at risk. Missing is the conviction that we must fight with out lives because we are fighting for our lives. In short, when the President says this is the first cold war test of our mettle, it simply, honestly does not feel like it.

The war which influences George Bush began because of Adolf Hitler. The allied effort was successful because the evil of Hitler and his plan became clearer to Americans as the war, and the sacrifice required to wage it, progressed. At the moment of victory we rejoiced and wept and were thankful to be alive and free. This sense of gratitude was fundamental for a generation of Americans who knew what they had accomplished but could not possibly brag about it.

The war which influences me began because of a need to contain communism. We failed in that war because our enemy was not complaining about the lack of a housing allowance or asking when they were going to be rotated home. We failed because in the end our leaders had not adequately convinced the American people that the Communist Ho Chi Minh was a threat requiring our prolonged sacrifice.

I had begun to believe that we in this Nation could act differently this time. Now, I am not so sure. I am profoundly uneasy about the instant deployment of over 100,000 American troops, sold to the American people on false assertions that Saddam Hussein is Adolf Hitler, that our way of life is at clear and present danger, that we have as much at stake as we did in World War II. I am personally angry at Colin Powell for not recognizing that his own troops—professional, loyal, capable—do not possess the clear and essential understanding of why they have been called to battle.

At this moment I believe our military action was improperly rationalized, incompletely thought out, and dangerous. It is dangerous because it could provoke the war we seek to prevent. It is dangerous because it could create the instability we seek to avoid. It is dangerous because the countries with the most to lose—Kuwait and Saudi Arabia—did the least to prepare for this invasion.

One of the most disturbing assumptions in all of this is the one that declares: If we do not defang Hussein now, he will just be back in a few years to do the same thing. The assumption here is that we should remove with force what we have never in earnest

attempted to remove through other means. Recall that not long ago our Commerce Department was cabling "Hooray for you!" to American entrepreneurs seeking to export nuclear weapons technology to Iraq. The assumption here is also that we—the United States and the world—will go to sleep in the down-filled bed of moral relativism again. This will not happen. Indeed, once this crisis has cleared, we may find that Saddam Hussein is the 20th century's greatest gift to the urgent cause of controlling the spread of chemical and nuclear weapons and technology.

One of the best ways to evaluate and to see how the missing elements have distorted our own thinking is the near universal appeal of the burden sharing argument. It is everyone's favorite theme. It is bad enough that we are so fiscally overextended that we must import capital to pay for current consumption. It is bad enough that we are already borrowing 25 cents of each dollar in every soldier's paycheck because of the deficit. It is bad enough that we are asking young men and women to fight for our economic health abroad while we refuse to join their courage with our own by dealing with the deficit at home. What makes it worse is that we turn good news into bad. The outrage expressed over Germany's agreement to pay the Soviet Union $8 billion to withdraw their troops is a case in point. Would we prefer to have that $8 billion go to the Middle East if it meant leaving 360,000 Soviet soldiers in Germany? What nonsense we can preach when our soap box is flimsily built.

I repeat: Something seems to be missing. But it is not hope. We can still accomplish the good goals that the President has laid before the American people. We can build on the international accomplishments of the President in bringing almost all the nations of the world to focus their attention to develop pressure to bear on this blunt insult to international standards of behavior and decency.

What is needed, above all, is honesty. Our actions in the gulf cannot go beyond the confines of informed public consent and informed public support as well. Americans, neither ignorant nor gullible, are aware that our official policy until recently backed Iraq; that America's "way of life" was not threatened when Iraq, with out encouragement, sought to conquer Iran. The President owes our troops and our people a clear discussion of our interests—one which squares our past policies with our current goals. The memory of the American people is strong enough to understand when recent history has been sacrificed to the cause of persuasion. Our understanding is subtle enough to know that not all alarms are broadcast with the same piercing volume. Our men and women in uniform are dear enough that we owe them our last full measure of candor before we ask them for their last full measure of devotion.

Just imagine what it would have been like if the President had addressed the American people in early August with such candor. Imagine if he had informed us of Iraq's brutality against Kuwait, but also the extent of our previous complacency with the growing threat of Iraq's growing military force. Imagine if he had drawn the line in the Saudi sand, but also contrasted that line to the messages we had been sending Saddam Hussein prior to that invasion—messages which now appear foolishly tolerant and dangerously compliant. Imagine if he had told us of his willingness to comply with a Saudi request for armed support, but also shown us the intelligence photographs which made Saudi fears credible. Imagine if he had told us of the need to take arms to defend a new world order, but also explained exactly what that new world order is, and why we must be willing to fight for it. Mr. President, I believe that such a straightforward discussion of the crisis would have generated public support with a difference, and that is the difference between the silent assent of public opinion polls and the active support of an informed people.

Candor is not always comforting, of course. We were reminded of that truth in the past week by the candid interview and firing of Air Force Chief of Staff Michael Dugan. He deserved the demotion, but he also deserves some appreciation for giving the American people a few things they will need to make judgments—critical since we may be about to send American youth to die for us—about our policy in the Middle East.

Before I look at the cutting questions raised by General Dugan I would like to raise some objections to a Presidential suggestion which may fall into the category of background noise unless a protest is voiced: His announced decision to sell Saudi Arabia $20 billion worth of arms.

Like the President's idea of forgiving $7 dollars' worth of Egyptian debt this one appears to make sense on the surface. Unlike the Egyptian proposal—which would presumably reduce revenues in our Treasury—this one has more appeal because an arms sale will bring money into our economy. The United States finished the decade of the 1980's with its arms manufacturing superiority intact; and Saudi Arabia—its coffers bulging with $40 billion a year new money since the world's economic embargo of Iraq—is an arms salesman's notion of heaven: A customer who hates credit.

Allow me to weigh in with a few reasons this arms sale should be voided by a congressional veto:

First, it is simply wrong. The new world order described vaguely by the President surely does not mean a continuation of this old practice of selling weapons to the enemy of our enemy. Saudi Arabia's King Fahd is opposed to Saddam Hussein just as Saddam Hussein was opposed to Khomeni. Thus, King Fahd qualifies for the largest arms sale in the history of man's conduct in such activities. More commendable, I believe, as an example of national behavior in President Bush's new world order is that taken by Czechoslovakian Foreign Minister Jiri Dientsbier who withdrew his country from the international arms bazaar offering this as his justification: It is wrong. Mr. Dientsbier is right.

Developing a domestic economic strategy which will enable us to manufacture alternative goods will not be easy but it clearly is not impossible. Ours is not an absolute choice between jobs at home and moral principle abroad.

The third objective of the President is also the second reason I object: stability in the Middle East. It is upset with this sale. Already Israel has requested assistance in maintaining their edge and Israel—already hard pressed to handle the inflow of Soviet refugees—will not be so adverse to credit as the Saudis.

Third, the possession of weapons does not elaborate to the will to fight.

There is nothing in the current crisis which testifies to Saudi Arabia's willingness to fight, even in self-defense. More arms and more sophisticated arms will only make Saudi Arabia a more attractive target, Mr. President. We should recall that many of the arms we sold to the Shah quickly became the property of the Ayatollah Khomeini.

Fourth, when Saddam Hussein's Iraq no longer looms as the world's greatest threat to peace and stability, as it is today, who will Saudi Arabia's enemy be? Will they pick another of our enemies, or will they pick a friend like Israel? The condition which requires this question necessitates a polite and respectful no to the President's request.

Twenty billion dollars is a lot of money, Mr. President, for an economy struggling to keep its head above the recessionary waters swirling around us. However, we should be careful—very careful—not to let our foreign policy be completely dominated by the concerns of those who sell oil and weapons. Money stuck in our eye blinded us to the moral danger of Saddam Hussein in the first place, and we should not let it blind us to other dangers now.

Some who are arguing for the selection of the military option in the Middle East are unable to see any

other possibility. At one level, I agree: Saddam Hussein will not respond to kind words and obsequious agreement such as he has enjoyed from the United States prior to his invasion of Kuwait. He will not yield to our moral objectives—withdrawal from Kuwait, domestic human rights, demilitarization and democracy—unless he hears the foot steps of our military force.

Policymakers in the United States, on the other hand, dare not delude themselves into thinking that we do not need to debate what we are doing and to state our disagreements where they exist. A failure to do this—a simple and blind acceptance of everything the President as Commander in Chief does—will lead to bad policy and the potential loss of clear public support for what we are doing.

For this is the first post cold war use of force. If the American people discover that we have not taken appropriate care, then our mettle will have been tested and found wanting.

A good example of this is the incident involving General Dugan. Some of what General Dugan said did jeopardize our strategy in the gulf, but some of his candid remarks, I believe, could be helpful today.

In his interview he said: "Whether raining destruction would effect the withdrawal from Kuwait or Saddam's ouster is a political decision the President and others must make." We in the Congress are included in the "others," and we need to be asking ourselves that question. For my part, I answer the question negatively.

The fact of destruction raining from the skies may not get Saddam Hussein to withdraw from Kuwait, but the thought of it could get him to do the right thing. Mr. President, I believe the anticipation of pain is always worse than the pain itself. And thus we should use that fact, I believe, to force Saddam Hussein to do what he and all of us understand that eventually he must do.

That is why I believe United States policy should include, at the earliest moment, a joint high level visit to Baghdad by the United States and the Soviet Union, not just representing these two nations, but the entire world community. These two former adversaries, now united in purpose to oppose Saddam Hussein's invasion and occupation of Kuwait, I believe, could represent a substantial message to Baghdad and Saddam Hussein.

I believe our Secretary of State, and the Soviet Foreign Minister, should personally state our insistence to Iraq's leaders that our economic embargo will tighten, and our sword will hang over their heads, as long as Iraq holds Kuwait under its subjugation. Mr. Baker and Mr. Shevardnadze should use the weight of their own presence to emphasize the need for Iraqi satisfaction with the principles expressed in the U.N. resolutions.

Another statement illustrates how the presence of the American military forces changes both the political and the military dynamic. This one was not made by General Dugan, but by Lt. Gen. Thomas Ferguson, Commander of Aeronautical Systems Division, which is responsible for new Air Force technology. General Ferguson said this:

> If an F-117 (Stealth fighter) was shot down or crashed in Iraq, we'd go to considerable lengths—if we knew where the plane crashed—to bomb the wreckage to prevent the wreckage from reaching Baghdad.

His legitimate concern, Mr. President, for the loss of top secret technology apparently will override other considerations. This is implied in the phrase "go to considerable lengths." My colleagues may believe this is quibbling with the detail of our policy, but I assure my colleagues, it could have long-term repercussions if great civilian casualties were more acceptable than losing technology to a government which would probably not survive in the end.

Then there is General Dugan's honest evaluation that "we've already started to see the bloom come off the rose about the excitement of it all." I submit, Mr. President, this is a crucial piece of information that we dare not ignore. In our enthusiasm to support the President and to oppose Saddam Hussein, we dare not ignore this crucial piece of information.

Those of us who have little at stake but for political careers should listen to the intuitive feel from our soldiers who have a great deal more at stake.

Fortunately, there is still time for us to continue to act wisely in the gulf crisis and to benefit from the many unexpected opportunities this crisis has borne; to continue the great unity that this Nation and this world have shown in opposing Saddam Hussein.

The potential is still there for us to recognize the importance of candor; the folly of sending ever more arms to this volatile region; the inherent power of the internationally coordinated response we have helped impose; and the real possibility of building a new world order as the President describes. In short, the potential is still there to pursue a successful settlement to this conflict without the nagging sense that something is missing.

Mr. President, finally, I want to stress that this effort in the Middle East—as important as it is—cannot and should not distract us from the work here at home. Instead, we should be inspired to act even more courageously to address our growing domestic agenda. We should heed the advice of the former Chairman of the Joint Chiefs of staff, Adm. William Crowe, who strongly supports what the United States is doing in the Middle East, who answered a question about the need for defense spending cuts as follows:

> Of course. There are domestic problems plaguing the United States that must be addressed, and that means defense spending is going to have to suffer. But the health of the country demands it. Our future demands it. One of the terrible things about the Gulf crisis is that it focuses our attention on foreign affairs. but right now the most pressing problems facing this country are domestic—our infrastructure, our economy, our ability to lead the world in technology, the environment, drugs and, more important and basic than any of them, our education problems. In this sense, the reduction in military threat has come at a very good time, because as a nation we've got to turn our energy to domestic issues.

Mr. President, those are my sentiments exactly. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BURDICK].

The PRESIDING OFFICER. In my capacity as a Senator from North Dakota, I suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

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

THE 1996 SUMMER OLYMPICS IN ATLANTA, GA

Mr. NUNN. Mr. President, I rise today in celebration of the decision announced yesterday from Tokyo by the International Olympic Committee that it had named Atlanta as the host of the 1996 summer Olympics.

In Atlanta, Georgia people are quite literally dancing in the streets, last night and even today. It is an excitement that is a genuine reflection of the "can do" spirit which has marked Georgia's effort to attract the Olympics. This effort has been going on for about 3 years now. The odds were heavily against Atlanta and Georgia. It was Atlanta's bid for an Olympics and Greece, the host to the first Olympiad, was a sentimental favorite. But in typical Atlanta, GA, fashion, a small group of leaders began to think the unthinkable, and to plan the im-

possible back in 1987. And then they confidently and deliberately built a winning case for Atlanta.

Indeed, because some other communities in Georgia are also involved, including in particular, Savannah, GA—they will host some events—this can be best described as a statewise victory.

Hard work and unity were clearly the key factors in securing this Olympic bid. Atlanta was by no stretch of the imagination a likely, much less an inevitable choice. In countless presentations, meetings, and communications the members of the IOC were slowly but thoroughly, in the final analysis, convinced mainly because the energy and enthusiasm that Atlanta displayed during the bid was proof to them that these same qualities would be brought to bear on actual preparations for the games.

Mr. President, thousands of Georgians contributed to this successful culmination from government, business, labor, and community organizations and volunteers from every walk of life.

I think we ought to focus a moment today, and I would like to point out in my remarks a few people who deserved particular thanks for their efforts:

Billy Payne, president of the Atlanta Olympic Committee, has been the driving force from the very beginning. Billy has personally persuaded hundreds of leaders from the public and private sector to adopt his faith and his confidence in the possibility of an Olympiad in Atlanta beginning with perhaps his most important recruit, former Mayor Andrew Young.

Andy Young placed his considerable international prestige at the full disposal of the Atlanta Olympic Committee, and he did more than anyone else to infect the entire community with a spirit of optimism about hosting the games. Mayor Young did not even let his historic campaign for Governor of Georgia this year interfere with his truly Olympian efforts. Just 2 days after his defeat in the Democratic gubernatorial primary runoff in August, undoubtedly exhausted and understandably disappointed since he did not emerge victorious, Andy Young went right back out on the campaign trail; went to countries all over Asia and Africa to help line up votes on the International Olympic Committee—a truly remarkable and successful effort.

Andy Young's predecessor, successor also, as mayor of Atlanta, Maynard Jackson, has been another key figure in this successful drive for the 1996 Olympics here in America. The summer games will virtually remake the face of Atlanta, GA. And Mayor Jackson's constant involvement in this overall bid process has helped assure the IOC that the facilities and support necessary for a successful Olympiad will be in place when the world comes to Atlanta in 1996.

Finally, Gov. Joe Frank Harris and the State of Georgia made it plain that the bid was a statewide project that extended a commitment of true southern hospitality from all 6 million Georgians. This morning's announcement represented an appropriate benediction on Gov. Joe Frank Harris' 8 years of work toward preparing Georgia to assume a leading role in the global economy and society of the future.

I would also add a word about Gov. George Busbee, who had preceded Governor Harris as Governor of Georgia, and who also played a key role both in the preparation of our State for this great honor and in soliciting the bid itself.

Mr. President, this is an historic day for Atlanta and for Georgia. We know full well that the Olympic bid could not have succeeded without the constant assistance of other Americans who became part of the Atlanta 1996 team the moment the U.S. Olympic Committee chose our city to represent the entire country in the selection process.

I also want to add my thanks to President Bush and to Vice President Quayle for personally contacting the IOC with timely expressions of support. Secretary of State Jim Baker also took considerable time and effort from an already overburdened schedule to contact key members of the IOC, and at my request he wrote the U.S. Ambassadors several months ago and urged them to do everything possible—once we had only one city competing—to push the American city, the city of Atlanta.

The U.S. Ambassadors to nations represented on the IOC made additional entreaties and assurances that Atlanta would hold an outstanding Olympiad.

Mr. President, Atlanta and Geogria will celebrate for probably the next 2 or 3 days, but beginning next week, at least by next week, we will all begin in earnest the enormous and painstaking task of preparing for the 1996 summer games.

We ask for continued support from our fellow citizens in the difficult work ahead, and certainly we are going to need some help from the House and the Senate, and the administration.

On behalf of the people of Georgia, I thank the International Olympic Committee for the honor and the privilege it has bestowed upon our State. We are ready to become part of the Olympic tradition. Georgia will do the games proud, for when the Olympic torch arrives in Atlanta in the summer of 1996 it will illuminate a community committed to our country's proud faith in the Olympic spirit of world peace and understanding.

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

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

The bill clerk proceeded to call the roll.

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

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

SUPPORTING THE NOMINATION OF JUDGE DAVID H. SOUTER

Mr. CHAFEE. Mr. President, as have most Americans over the past few days, I have been watching closely the hearings on the nomination of Judge David Souter to be an Associate Justice of the U.S. Supreme Court. I have watched these hearings closely in order to find out more about David Souter, the jurist, and also David Souter the individual. It has been a fascinating and illuminating process, one that has helped me to arrive at a decision. I have come to the conclusion that I will support the Souter nomination, and I will vote for his confirmation when it comes before the U.S. Senate.

More than any other Supreme Court nominee in recent years, David Souter, by virtue of his quite possibly being the "fifth vote," the swing vote between liberals and conservatives, has been under intense scrutiny. It may not be fair, but it is a fact, and that fact is on everyone's mind.

In that context, I would like to take note that, given the weight of this nomination and the issues at stake for both sides, I think the President has done an extremely good job in being fair. By his own account and by that of the judge himself, no "litmus testing" took place during the judicial selection process. We have become accustomed to the charge, true or not, that judicial nominees are ideologically vetted before they are announced. Of course, that means that nominees they are greeted with a hearty dose of skepticism, which is very human and very understandable.

However, no one grilled Judge Souter or took him through a battery of philosophical tests before his selection was announced. Indeed, according to the judge, since the President's announcement last July, administration officials have helped pull together the material requested by Judge Souter, but have been scrupulously careful to avoid briefing him. That kind of process is exactly what we asked for, and I strongly commend the President and his administration for its conduct.

Judge Souter's nomination set off a whirlwind of speculation about who he is, and more importantly, what his judicial philosophy is. Despite his years on the bench and a record of 200-plus

opinions, very little was known about his philosophy on the Constitution and the rights and freedoms guaranteed therein. Thus, he began his testimony last Thursday with what might truly be called a blank slate.

I listened very carefully when Judge Souter began testifying last week. Without a doubt, his intellect and his ability to reason are outstanding. I do not think anybody will argue with those qualifications. He is clearly a legal scholar who has a phenomenal understanding and command of legal terms, concepts, and cases. His exchanges with various committee members were fascinating to watch, and educational as well. He is, I think I can say without qualification or challenge, superbly qualified to be a Supreme Court Justice.

But I think we all agree—and certainly I believe—there is more to being a Justice than having the intellectual capacity for the workings of the law. I believe there are other virtues we look for in a judge, particularly when we consider a nominee to the highest court of appeal in our land.

Yes, to a certain extent the interpretation of statutes, regulations, the Constitution, or the Bill of Rights, must be objective. But clearly the law is also open to interpretation. The Founding Fathers did not include everything in the Constitution, a brief document, briefer even than the constitution of my State. And thus, clearly the law is open to interpretation. It is made for human beings. It affects human beings. Thus, special qualities are necessary for that aspect of excelling as a Justice.

I believe the hearing process that we have watched over the past several days has revealed a man capable of carrying out that interpretative aspect of being a Supreme Court Justice, and carrying it out well. He has demonstrated the thoughtfulness and the compassion needed to understand not only the situations of those people who appear before him, but the impact that his decisions will have upon countless others whom he will never see, the millions of Americans who would be affected by the votes that he would cast as a member of that nine-person Court. He has shown himself to be a person of scrupulous fairness, a man who will extend great efforts to ensure he approaches a case with an open mind, rather than with a preordained tilt.

An open mind linked with the ability to understand people, yet with a promise of objectivity and without a personal agenda to advance, is an important part of what we seek in an outstanding jurist.

Now, clearly, there are some constitutional issues that I am deeply concerned about. At the top of this list is the constitutional right of a woman to make her own decisions about reproduction. I belive in that. In addition, I care deeply about constitutional safeguards such as the wall of separation between church and State, and also our right to freedom of speech.

Judge Souter touched on many of the subjects that are important to me. Quite clearly, he refused to elaborate on some of those subjects; most notably, abortion. He was not going to answer any questions that would lead him into a discussion of the underpinnings of Roe versus Wade. It is not possible to predict how he will come down on a woman's right to choose. But I do take hope in some of the signs that he left us with along the way.

On the personal level, he spoke from the heart about the human impact of his rulings, saying that as a judge, he knew, and I quote, for I think these are rather moving words, "Whatever we are doing, at the end of our task some human will be affected, some life will be changed by what we do."

He went on to note that in that case, "We'd better use every power in our minds and beings to get these rulings right."

At the same time, he emphasized his dedication to being fair, to the fact that he has "not got an agenda" on abortion, and will not let personal moral views either way influence him.

On a legal level, Judge Souter repeatedly endorsed the notion that there are unenumerated rights protected by the Constitution; that the constitutional reference to liberty includes nonenumerated liberties; that a fair reading shows that there are values that were intended to be protected but were not set forth in detail by the framers; and that there is a judicial mandate in discerning and defining these values and these rights. He also concurred that there is a fundamental right to privacy.

Another element he mentioned that I believe is of importance is stare decisis, where a precedent has been set. In determining the value of those prior decisions, the judge includes as a factor for consideration the impact and the costs of overturning a prior ruling: Whether it has become the basis for later decisions, whether many have relied on it to a considerable degree, and whether to change it would constitute extreme hardship in many ways.

These points expressed by Judge Souter give me heart, not only because perhaps the judge may see things as I do, but also because they seem to me to be part of a fair and careful approach to judging. There is no promise inherent in any of the statements that the judge made, and that fact is worth repeating. But if we want to take a leap of faith, Judge Souter is the best candidate, in my judgment, to take that leap with. We cannot ask for a jurist with an agenda only in the areas we care about. I think that may be impossible.

None of the points that I have discussed are clear indications of how Judge Souter might cast a vote on cases related to Roe versus Wade. Yes, he said a lot, but he made no commitments. This is very worrisome to many women and men, and, as a Senator who is strongly pro-choice, I do not take that fear lightly.

I listened carefully during the testimony of the women's groups who testified. Yesterday afternoon, just 24 hours ago, I met with Kate Michelman, of the National Abortion Rights Action League, NARAL, and Faye Wattleton, of the Planned Parenthood Federation of America. Both women explained exactly where they saw the flaws to Judge Souter's testimony, and I do not disagree with them in many ways. Yet, I do not know if anybody really knows what his words boded for the right to choose.

So what I come back to again is his absolute promise to look at each case with an open mind, tinged with considerable humanity, yet with the promise of impartiality.

I would like to take a moment to pay tribute to the Judiciary Committee, its chairman, Senator BIDEN, its ranking member, Senator THURMOND, and the other members of the committee. I think the proceedings have been extremely fair, and I think they have reflected great credit on the U.S. Senate.

David Souter, in my judgment, is a superb scholar whose intellect and integrity is beyond question. He is a thoughtful, compassionate man who promises to be a caring and a fair jurist. So, Mr. President, I will give my support to his nomination with pride and enthusiasm.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

SUPREME COURT NOMINEE JUDGE SOUTER

Mr. WARNER. Mr. President, I am pleased to have the opportunity to join my distinguished friend of many years, Senator CHAFEE. We have served together in public office almost continuously since 1969, and I think this is a particularly significant occasion that today we join again.

I wish to express my views with respect to the President's nominee for the Supreme Court, Judge Souter, at this point, which I view as the midpoint in the Senate confirmation process.

I share with Senator CHAFEE his views that the Senate Judiciary Committee has done a very able, a very fair and thorough hearing. That procedure, as we speak this afternoon, is nearing completion. I want to state

that I will participate in the debate that follows.

I said the midway point. The Senate Judiciary Committee has conducted its hearings. It will then provide each of us with a report and record which we will study, and then, take part in the floor debate of the full Senate. Each of these steps is equally important as we reach this important decision. During the floor debate, I will join those who will speak out strongly, unhesitatingly in favor of Judge Souter. I will do so for these reasons.

Since the nomination on July 23, 1990, the press, in a very responsible way on the whole, in my opinion, has provided America with an abundance of analysis and a widespread reporting of the views of citizens and groups across this Nation, pro and con this nomination.

Most important, however, we viewed Judge Souter himself, as we say in judicial parlance, "in the box" being interrogated by the Members of the Senate, withstanding thorough, fair, and wide-ranging cross-examination without limitation. He has withstood that test admirably, and I think that he has gained the respect and admiration of the members of those on the committee, certainly with the majority.

This testimony was followed by other citizens coming forward supporting his nomination and, indeed, equally important, some who did not support his nomination, for reasons which I respect, but with which I disagree.

The Senate, now at its midway point, will soon begin its floor deliberation. My support will be predicated on the following facts which I have learned from the testimony, from the widespread reporting of the press, and from private conversations with many jurists and friends whose views I respect. Most significant, I have had the opportunity to discuss my thoughts with Judge Souter personally.

Judge Souter has impeccable academic credentials and he has been a sitting judge for 12 years, 7 of which have been spent on the supreme court of his State. He is articulate, he is intelligent and thoroughly knowledgeable of the law. He has that intangible quality that all of us search for as we recommend to Presidents, under the special responsibility that we as Senators have under the Constitution, persons for the Federal bench. That quality is known as judicial temperament. It does not lend itself to clear definition, but it is one's ability to judge another that that individual will be fair and impartial as he, in turn, takes up his role on the bench and sits in judgment of others.

His testimony before the committee demonstrated a clear, logical thought process that shows a very deep respect and reverence for the Constitution and our form of government and the role of the Federal judiciary. He is a strong believer that our Constitution, which represents 2 centuries of continuous government, longer, I am told, than any other democratic form of government existing today since its adoption in the year 1776 and following. It is the oldest continuing written constitution in the world, and Judge Souter recognizes that document embodies the very principles on which this country was founded. I am heartened by his understanding of and respect for this document and his commitment to his fellow citizens to preserve and uphold our Constitution and Bill of Rights.

Equally important, Judge Souter aptly displayed his understanding of the roles courts have had in protecting civil liberties. He showed compassion, another intangible but very important characteristic of one who is about to ascend to the highest judicial post, compassion, empathy, and a sincere caring for our society in general.

This 51-year-old jurist, who celebrated his birthday during the hearings, touched us all as he impressed upon us his ability to be compassionate when he related a counseling session some 24 years ago that he had with a young woman who was pregnant and unmarried.

While he would not—and should not—reveal how he would in the future vote on any case involving human life or any other case that came before the Court, he did show, in my judgment, that he has the compassion, the sensitivity, and the understanding that we would want in a person who will sit in judgment of such issues.

For those who question whether he is in tune with society or detached therefrom, I believe that his response to this case and to others should allay their fears. His community involvement is to be admired and emulated. He was a trustee for Concord Hospital for over 12 years and served as president of the board. He is an avid hiker and a member of the Appalachian Mountain chapter, an outdoorsman, one who shares and loves our environment. As a trial judge—and this is more important, having spent a number of years myself as a trial attorney—he was exposed to the full extent of life in cases that were brought before him, life in its best and, yes, in its worst forms. He also opened the door to women in the State attorney general's office by hiring the first two female attorneys, one of whom later served as the deputy attorney general for the State of New Hampshire.

I would like to close by reading a poem that has always meant a great deal to me, just a part of it, written by a fellow Yankee many, many years ago—Henry Wadsworth Longfellow. It is that passage with which all of us are familiar:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate.

I dare say that when we complete the debate on this outstanding American, we, too, will remain somewhat breathless in this Chamber. But I am confident that this man, as we say in the Navy, I say to my friend, the former secretary whom I succeeded, this man has a keel that goes very deep in life. He has a center of gravity that will give him that balance not to be buffeted by the strongest of the storms of life which he will most certainly experience on this Court.

The Supreme Court is a part of that Ship of State. This man will take his position on that Court. I am optimistic that this Chamber will approve him, and he will sail on and provide us with that fairness, that equanimity which each American deserves.

I thank the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Rhode Island is recongized.

THE SOUTER NOMINATION

Mr. CHAFEE. Madam President, I commend the very moving statement of my friend for so many years, the distinguished Senator from Virginia. I think he has laid out the case extremely well for Judge Souter. I look forward, as does he, to that nomination coming soon on this floor.

I hope that that committee—and I suspect it will—will bring up the nomination fairly soon so it can come before us, because I hope we can get on with the filling of this vacancy on the Court. I think we will all look back and say we have done a good job for the United States with the confirmation of Judge Souter. So I again congratulate my distinguished friend.

Mr. WARNER. Madam President, I wish to extend my appreciation to my almost lifelong friend, the distinguished Senator from Rhode Island, JOHN CHAFEE.

THE NOMINATION OF JUDGE SOUTER

Mr. EXON. Madam President, I have listened with great interest to the very informative remarks of the Senator from Rhode Island and the Senator from Virginia. I wish to add my voice in support of the President's nominee to the Supreme Court.

I had an opportunity to read a great deal of the testimony. Not being a member of the committee, I took it upon myself to watch as much of the televised portions of that hearing as I could. I believe I had a chance to hear every member of the Judiciary Com-

mittee pose questions to the nominee and his generally excellent responses thereto.

I add my voice to what has been said and associate myself with the remarks made by the Senator from Rhode Island and my friend from Virginia, both of whom it has been my pleasure to serve with in this body for a considerable number of years. They have laid out the credentials of this individual very well. They have laid out his very exemplary record as a student and a student of the law, his distinguished career as a member of the court. I, too, feel this is an excellent nominee who should receive approval, and I will vote for the approval of Judge Souter when that nomination comes to the floor of the Senate, which I hope will be very soon.

I was asked by the press did I not think it was proper for the members of the committee to inquire in some detail about some of the views that the nominee held. My answer, Madam President, was that I certainly do think it is their responsibility to inquire. In those 3 days of testimony they inquired into about everything that one could imagine would be asked of a nominee to the Supreme Court. I was equally impressed with the excellent responses that were given by the nominee.

We do a lot of important things in the Senate, and the advise and consent process, in my view, is one of the most important, certainly with regard to the appointment of members of the Supreme Court, because members of the Supreme Court by and large are likely, by their decisions, to have a great deal to do with what laws are ruled upon, what laws and constitutional mandates are considered in the whole barrage of cases that are referred to the Supreme Court. Therefore, the Supreme Court and all of our courts of the land thereunder have a grave responsibility, the Court as a whole and individual members of that Court. There is little that we do in the advise and consent process that I take more seriously than the confirmation of members of the Supreme Court.

There was some disappointment in some circles that Judge Souter was not forthcoming, as some have phrased it, with the answers to many complicated, some of them controversial, issues that he was asked about. Some felt he should have spelled out his feelings more clearly than he did.

I concur with the general statements that have been made previously about this excellent nominee. That is, with his responses as guarded as they were, he showed above everything else a judicial temperament that I feel is critically necessary for a man in such a high, high place as a member of the Supreme Court.

I wish he had been more forthcoming on some issues. I personally would like to have seen it. But I think he was wise in making many of the statements that he did. And above everything else he showed his judicial temperament, that he would be fair in all that came before that Court for redress.

Madam President, I suggest that is all that we can ask. That is all we should expect from a member of the Supreme Court.

I was particularly impressed though with his candor, with his intellect, and emphasizing once again his judicial temperament.

Madam President, I said there is probably no more important role that we play in the U.S. Senate than the advise and consent and confirmation process of judicial appointees, most importantly the Supreme Court. As Governor of Nebraska for 8 years, I appointed more judges to the courts in Nebraska than any Governor before or that any Governor has since. I left the State of Nebraska after two terms and came here to serve Nebraska in the U.S. Senate. I judged my votes pro or con on nominees to all of the courts based on a set of guidelines that I used in appointing all of those judges in the State of Nebraska, most of whom are going to be around for a very long time dispensing justice.

I would just explain that as far as I was concerned the critical question that I asked myself as a Governor in charge of appointments was whether or not the individual—and there were men and women that I appointed, and there were members of various ethnic groups, but that was not the critically important thing. The critically important thing in my view was to have that individual as best I could judge pass the test. And the test, I said, was: If I as an individual who were appearing before this judge, would I be comfortable that this judge would fairly listen to the case presented to that judge that affected me, and would that judge be in my judgment fair and considerate in making his or her determination as the case may be?

Therefore, I have applied the same test to every vote that I have cast here, Madam President, on a member of the Federal courts. I believe that Judge Souter passes that test with flying colors. Yes. I am convinced that should I ever come before his Court I could be treated fairly and above everything else that seems to be the main criterion because if he would treat me fairly then I think it logically follows that he would very likely treat others fairly as well.

BARTER AND COUNTER TRADE WITH THE U.S.S.R.

Mr. EXON. Madam President, last week I wrote to President Bush congratulating him on the successful summit with the President of the Soviet Union and an excellent address to the Nation last week. I fully support the President's call for bipartisan cooperation, and in that spirit I offered the President a suggestion which I would like now to briefly discuss.

There is one area of potential cooperation between the United States and the Soviet Union which should be immediately pursued. Madam President, the Soviet Union sits atop of one of the world's largest supplies of oil. The United States, the breadbasket of the world, will soon harvest a bumper crop. The Soviet Union needs food, and the United States needs oil. Therefore, the simple equation of mutual benefit is good for both food producers and oil producers.

Trade with the Soviet Union and Eastern Europe and the Third World has been difficult for the United States because of the lack of hard currency in many of these markets. However, barter transactions like food for oil is a strategy which I recommend and one which I think could prove very helpful and be done with very little difficulty right now. Indeed, barter and counter trade and other similar nontraditional means of trade and finance present ideal opportunities for the United States and the Soviet Union to expand trade and development.

Not too long ago a Soviet food processing expert bound for a food conference in Nebraska said that if the United States waits for a convertible ruble, there will be no trade left. For quite some time official U.S. trade policy frowned upon barter and counter trade transactions while other trading partners in Europe and Asia used barter and counter trade to capture new and expanding markets.

Fortunately, a provision in the 1988 Omnibus Trade and Competitiveness Act, which I authored, fundamentally changed U.S. policy. U.S. trade law now encourages and supports the use of barter and counter trade to expand U.S. exports.

That legislation created an Office of Barter within the U.S. Department of Commerce and an interagency group on barter and counter trade to coordinate policy throughout several Federal agencies with trade and development responsibilities.

The Commerce Department office is now operational. And the interagency group is scheduled to have its first meeting early in October. In my letter I urged the President to instruct the Barter Office and the interagency group to immediately pursue the possibility of bartering or trading American food products for Soviet oil.

With expectations of a price depressing bumper crop of farm products, a food-for-oil strategy would be welcome news for the American farmer. Expanding the available supply of oil in

the United States would put downward pressure on oil prices.

For the Soviet Union, with its chronic food difficulties, such a transaction would prevent another winter of discontent which could cripple the process of perestroika. Certainly over the long term the United States must reduce its overall dependence on imported oil.

Like my food-for-oil strategy, the American farmer is a central force in meeting America's energy needs through the further development of ethanol fuels. However, food for oil is an option which should be pursued right now to replace oil formerly flowing from Iraq and Kuwait.

Madam President, an exchange of food for oil can help the Soviet Union reduce its bread lines and help the United States prevent future gas lines.

Madam President, I ask unanimous consent that a copy of my letter to the President be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 12, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I congratulate you on your successful summit with President Gorbachev and your inspiring speech last night. I applaud your call for bi-partisan cooperation and in that spirit offer you a suggestion.

There is one area of mutual benefit to the United States and the Soviet Union which I encourage your Administration to immediately pursue. The Soviet Union sits atop the world's largest supply of oil and the United States is truly the bread basket to the world. The Soviet Union needs food and the United States need oil. The simple equation is for the United States to exchange food for oil.

Given the Soviet Union's lact of hard currency, barter, countertrade and other similar non-traditional means of trade finance present ideal opportunities to conduct commerce. Not too long ago, a Soviet food processing expert said that if the United States waits for a convertible ruble, there will be no trade left.

The Omnibus Trade and Competitiveness Act included legislation which I authored to encourage the use of barter and countertrade to expand U.S. exports. The Trade bill created an Office of Barter within the U.S. Department of Commerce and an Interagency Group on Barter and Countertrade to coordinate policy throughout several the federal agencies.

The Commerce Department Office is now operational and the Interagency Group is scheduled to have its first meeting early in October. I urge you to instruct the Barter Office and the Interagency Group to immediately pursue the possibility of bartering American products, especially food or American oil drilling technology for Soviet oil.

An exchange of food for oil can help the Soviet Union reduce its bread lines and help the United States prevent gas lines. By expanding the available supply of oil in the United States, there should also be downward pressure on oil prices as well.

Best wishes.

Respectfully,

JIM EXON,
U.S. Senator.

JUDGE DAVID SOUTER

Mr. SPECTER. Madam President, earlier this afternoon we concluded the nomination hearings for Judge David Souter to be Associate Justice of the Supreme Court of the United States. We had long days of hearings, and some extended into the evening. I attended, as a member of the Judiciary Committee, virtually all of those hearings.

I think it is timely to state a position on Judge Souter's nomination, in the hope that we may move the process along as expeditiously as possible. I think we should not rush to judgment, but after having studied Judge Souter's record extensively, read several dozen of his opinions, and having heard the testimony of Judge Souter for almost 3 days, and the testimony of other witnesses for 2 more days, I feel in a position to come to a conclusion. I do not think we ought to rush to judgment, as I say, but if it is possible for the Senate to conclude its work on the Souter nomination in time for the first Monday in October, I think it would be a good thing.

We are not able, on many occasions, to meet deadlines because of the complexity of what we have to do. If we can meet that deadline, I think we should, and I want to pursue that to the extent that I can cooperate in that process.

During these hearings, Judge Souter really had to run between the raindrops and through a veritable hurricane. When he articulated the position of judicial activism, there were some Senators satisfied that he was not close to the original intent or original meaning; when he went to interpretivism, which is a strict constructionist doctrine, he had another situation, according to the judicial activists. When he would not state his ultimate position on the abortion issue, when it comes to Roe versus Wade, he antagonized both sides.

So in our hearings, we had people who were in favor of choice opposing his nomination, in the absence of assurances that Judge Souter would vote to support abortion. We had those who oppose abortion who were opposing his nomination on the ground that he was not giving appropriate assurances that he would support their position.

In my judgment, Judge Souter is qualified to be an Associate Justice of the Supreme Court of the United States. He has an excellent academic background—Harvard College, Harvard Law, Rhodes scholar, extensive practice as a lawyer, Attorney General of the State of New Hampshire. He has been a trial judge and a judge on the Supreme Court of the State of New Hampshire. He has written many opinions, opinions of some depth and some power.

Judge Souter displayed a powerful intellect in his testimony before the Judiciary Committee, and he combined that with a sense of humor and balance. There remains an issue as to how extensive his experience is, and in an ideal world, it might be highly desirable for him to know about what happens in the inner city of Philadelphia or Baltimore. It might be desirable for him to understand in greater detail the problems of America or America's States.

He does not have the kind of experience that perhaps Senators get when attending town meetings and visiting all the settings that are possible within our own States and beyond. He is a man of great ability. It would be this Senator's hope that he might establish on the court, with his powerful intellect, a perspective which would add a dimension to the work of the Court, not saying which way he would necessarily rule, but would provide alternatives and ideas and stimulate discussion, as the Court has to tackle the toughest problems in our society. And the Court functions on 5-to-4 decisions on all of the tough issues—not only on the question of abortion—where he could be the decisive vote one way or the other: The right to die case was decided on a 5-to-4 decision; major decisions on civil rights such as Wards Cove, 5-to-4, and Metro Broadcasting, 5-to-4; death penalty cases, 5-to-4; freedom of religion cases, 5-to-4; taxation, directing local governments to impose taxes, 5-to-4; contempt citation of the council in the city of Yonkers, 5-to-4. It is desirable, at any rate, to advance the work of the Supreme Court.

In arriving at my conclusion and judgment, Madam President, on Judge Souter, I have relied more on his written opinions than I did on his testimony. As I said, in my questioning of Judge Souter, I found a variance between his written opinions, a significant difference, and in what he testified to. I think there is a license for a nominee as there is license for a poet. I think whether you take Judge Souter's opinions or whether you take Judge Souter's testimony, he is well within the continuum of constitutional jurisprudence. I do not like the word "mainstream." But I think "continuum" is a more appropriate description of our constitutional process than "mainstream."

In his opinions, most of them had a more restrictive view of the law. But some had an expansive view. In the Richardson case, he talked about a liberty interest. That was therefore not a new concept in his testimony before the Judiciary Committee, but his view of liberty was much more expansive

when he testified than had been expressed in a variety of his opinions on the New Hampshire State Supreme Court.

He said that the incorporation doctrine, the doctrine which says that the Bill of Rights is incorporated into the due process clause of the 14th Amendment and is applicable to the States, that that panoply of rights was not the end of it, that it was just the beginning.

When he took up Justice Cardozo's articulation in Palko versus Connecticut, of conduct "essential to the concept of ordered liberty," he said that was only a beginning point. He had written in the Dionne case, which received considerable analysis, about his own judicial philosophy, going back to what he said was original meaning; that it was not quite original intent, not only what the framers intended at the time they wrote the document, but what the meaning of the words they used and the principle at that time.

But that is a substantial variance from what interpretivism means, generally, as he articulated the broad expanse of a liberty concept. But regardless of where he is pegged on the spectrum of judicial philosophy, I do believe he is well within the continuum of constitutional jurisprudence.

His opinions on criminal law issues were balanced. Some were very strong on law enforcement, but he showed a keen appreciation of constitutional rights in the context of waiver of the right to a jury trial, and the context of a nolo contendere plea being entered. There was real balance there.

In my opinion, he gave significant insight into his judicial philosophy. Frankly, I would like to have seen him answer more questions, but he had his own view on what he wanted to testify to.

On the critical question of freedom of religion, the free exercise clause in the Smith case, I thought he gave a very significant answer, where he disagreed with the majority opinion and, instead, sided with Justice O'Connor, looking for a compelling governmental purpose, narrowly tailored result to satisfy a compelling governmental interest, which this Senator thinks is very important as a cornerstone of the free exercise clause of the freedom of religion.

His response on affirmative action could have been more expansive, but he did say that race was a factor to be considered in the decisions on affirmative action, picking up on a concept of Bakke, a concept of Metro Broadcasting Co., as opposed to the narrow view of City of Richmond versus Croson.

I would have liked to have seen him be more definitive on the establishment clause, when he testified that he would not endorse Thomas Jefferson's view of a wall between church and state, would not endorse Justice Black's articulation in Everson of Jefferson's view, but instead that he found, perhaps, some limitations on that principle; but in general his support of the establishment clause and the separation of church and state did pass at least a minimal test.

I would like to have seen him testify in more definite terms about the supremacy of the Supreme Court as the final arbiter of constitutional issues. He said he did support Marbury versus Madison. You would think that in 1990, or in 1986 for that matter, when we had other Supreme Court confirmation hearings, that there would have been unequivocal support for the 1803 decision of Marbury versus Madison that the Supreme Court had the final word on the Constitution, but some of the nominees who have come to the Judiciary Committee during my 10 years in the Senate have refused to answer that question.

There is a corollary question about the authority of Congress to take away the jurisdiction of the Supreme Court on constitutional issues. And Judge Souter did not answer that question to my satisfaction, would not go as far as Chief Justice Rehnquist went in 1986 in saying that the Congress could not take away the powers of the Court on first amendment issues. Chief Justice Rehnquist would not go beyond that on other issues inexplicably, but Judge Souter would not even go as far as Judge Rehnquist did.

I pressed Judge Souter on an issue of relative power of the President as Commander in Chief under the Constitution contrasted with the authority of the Congress to declare war. I asked him the historical question: Was the Korean war constitutional and legal in the absence of a declaration of war by the Congress of the United States? He declined to answer on the ground that it might implicate a decision under the War Powers Resolution and of course I had prefaced my question noting the presence of U.S. forces in the Mideast today and how there was a delicate question that might have to be answered concerning the War Powers Resolution.

But it seemed to this Senator that asking about the Korean war was sufficiently historical. The War Powers Resolution had not been passed at that time; it did not implicate that issue. So I asked him to think it over. He thought it over long enough from Friday to Monday to tell me that he did not know. I thought that was a pretty good answer. I said so. I think that more answers ought to be "I do not know."

I notice, Madam President, the smile on your face. But very frequently we do not know. I would have liked a little more on that, but I learned a great deal from the questions Judge Souter would not answer and the nonanswers which he gave, which I think he was entitled to give.

The most contentious point of all, of course, was the question of abortion. I think it is fair to say that no issue has divided this country more in its history with the exception of slavery, and, as I travel through Pennsylvania's 67 counties and beyond, that is always the tough issue. Every year on January 22, the anniversary date of Roe, many Pennsylvanians come to Washington, DC, to seek to overturn the Roe decision. And Judge Souter could not satisfy everybody. He could not really satisfy anybody. But I thought he went as far as he could.

I think there you really come down to the nub of what a nominee really can answer. But it is inappropriate for a nominee or a Justice or a judge to state what his decision would be on a case which is not yet before the Court. The process requires a case in controversy, specific facts, briefing, oral argument, deliberation among Justices, and then in that context a decision.

He did discuss the privacy issue of Griswold versus Connecticut and he did say that he recognized the privacy interest for married couples on the contraception issue. He recognized the privacy interest or liberty interest beyond but would not be any more specific; and in that context he was criticized by those who wanted a flat commitment. And not all of those who opposed his nomination asked for a flat commitment that he would uphold Roe versus Wade, but asked that he at least recognize the privacy interest requiring high scrutiny and a compelling State interest. But many who opposed said they really wanted a commitment as to where he stood on the ultimate question of sustaining or reversing Roe versus Wade. And there were those who testified exactly on the opposite side.

I believe, Madam President, that Judge Souter showed a sensitivity to the issue. He had served on a hospital board and when Roe versus Wade came down he voted in favor of making the facilities of the hospital available for abortion in the context that it was the law of the land and adequate medical care required that decision. He was severely criticized in an opinion where he reached a question that was not squarely before the Court, when in another opinion he had stated the general rule that you do not reach such a question. In that opinion, he said that doctors need not necessarily counsel on the abortion alternative on a case which involved wrongful life and wrongful death.

We had a fascinating development of the law where there used to be a claim for wrongful death if somebody was killed in a tort action. Now there is a claim for wrongful birth if the mother or father could have been advised on

abortion rights. Someone was born where there should have been abortion, and there is a fascinating development of the law in the course of the past few years.

But in the case involving the issue of wrongful birth and wrongful life, Judge Souter went beyond the parameters of the case to say that a doctor who had conscientious scruples against abortion did not have to counsel for abortion but only had to make a referral, and for that he was criticized.

We had a contention that Judge Souter was insensitive to women's rights and had an exchange with two witnesses on this subject which I think is illustrative of the kind of criticism which Judge Souter received.

There was an extensive discussion both yesterday with a witness and today with another witness in a controversial case captioned State of New Hampshire versus Richard Colbath. It involved a fascinating issue where the rape shield law came into conflict with the constitutional right of a defendant in a criminal case to confront his witnesses and cross examination.

The rape shield law provides that the defendant has no standing to testify about a woman's prior sexual conduct on the principle that it is irrelevant, whatever the women's prior sexual conduct may have been, whether a defendant in a given case committed a rape, because a woman has an unquestionable right to say no to any man at any time. So that whatever may have happened as a generalization before should not come up.

But in this Colbath case we had a very strong contention raised of judicial insensitivity on the part of Judge Souter in describing the conduct of the complaining woman and the defendant. I shall not be explicit as I was yesterday and today in questioning the witnesses. The record is there about touching and contact with very private parts of the anatomy. This was characterized by one witness as flirtation at worse and did not justify submitting questions to the jury as relevant on the issue of consent, whether there was an appropriate consideration for prejudice to the woman as opposed to the defendant's rights.

Today there was a question of insensitivity in certain language used as to the "undignified predicament of the woman." I speak at some greater length about that because I think it is illustrative of the intensity of opposition. Careful analysis and context of what a judge may properly decide as to what goes to the jury shows that Judge Souter was well within the ambit of propriety in what he had done in conduct which was totally within bounds; not his statement, as to characterizing the woman, stereotyping the woman, but analysis of evidence which was appropriate for a jury to consider on the critical question of consent.

So, Madam President, at some greater length than I would ordinarily, because on this afternoon at 3:40, there is no other Senator on the floor—we have been in a quorum call a good bit of the day; efforts are being made to work out the pending legislation which is on the floor. I have spoken at somewhat greater length than I would have under other circumstances.

Madam President, I add an addendum as to the procedure that is being undertaken. I believe that the Senate is on the right track in pursuing the issue of judicial philosophy as we exercise our constitutional responsibility to consent or not to nominations by the President.

It was only 3 years ago that an issue was present as to whether we could make an inquiry at all. And that I think has been resolved appropriately. In Judge Scalia's case in 1986, now Justice Scalia, he answered virtually none of the questions, leading a number of us on the Judiciary Committee to formulate a resolution to try to establish a minimum standard of what a nominee had to answer.

That did not have to be pursued because the intervening nomination proceedings as to Judge Bork came down, and in the context of Judge Bork's extensive writings Judge Bork answered many questions and judicial philosophy was appropriately inquired into, as it was in the confirmation proceedings as to Justice Kennedy and again now as to Judge Souter.

There is a concern, Madam President, that we may go too far in pressing nominees, as many now are insisting on answers to the ultimate question as to how the nominee will decide the next case which comes before the Court. And for reasons which I have already given, I think that is not an appropriate range of inquiry.

But there may be justification to push that boundary if the Supreme Court of the United States is to operate as a super-legislature. And we have seen the case involving the Civil Rights Act where for 18 years, from 1971 until last year, 1989, the decision of the Court in Griggs withstood the finding of business necessity and the burden of proof as to who had to show what business necessity was in a case under the Civil Rights Act, without going into great detail.

And then last year, in the decision in Wards Cove, four Justices who appeared before the Judiciary Committee in the past decade, during my tenure in the Senate, who put their hands on the Bible and swore to be restrained and not judicial activists, overturned a decision where it was clear from the 18 years of congressional inaction that the Civil Rights Act was appropriately and accurately interpreted in the Griggs case.

If the Supreme Court is to operate as a super-legislature, then it may be that the pressures will mount for nominees to give the ultimate positions on where they will be on cases that come before the Court.

Or where you have Garcia versus San Antonio contrasted with the decision of National League of Cities versus Usury where in dissenting opinions in Garcia, Chief Justice Rehnquist and Justice O'Connor stated that Garcia would be overrruled when another Justice joined the Court disposed to their position.

So that if it is a matter of personality, then I think we may see the nominees pushed for that ultimate question. But I think that is highly undesirable, Madam President, because the court nominees ought not to have to answer questions as to specific issues because the judicial process requires arguments and deliberations in a case or controversy.

Madam President, there is another consideration which is worth a brief comment, and that is on the line that there is an effort to thwart the elective balance which has been created in our society. It has been noted that the American electorate, perhaps intuitively, has chosen a Republican President and a Democratic Congress. If there is to be an agenda with which the Court will thwart the will of the elective components, then there may be a necessity to go further in the Senate asserting a greater role in the selection process.

Many would be surprised to know that, in an original draft of the Constitution, the Senate was to select the Supreme Court nominess, a function which is difficult to fathom, given our problems in deciding even lesser questions where agreement is necessary. In an early case involving John Rutledge, the Senate rejected the nominee based solely on the political ground that he had voted against the Jay Treaty.

But in Judge Souter's nomination, Madam President, there has not been an effort by the President to carry out an agenda. There was no litmus test applied Judge Souter flatly stated, as did President Bush. There was no question asked about where Judge Souter stood on the abortion question.

So, Madam President, in sum, we have a nominee who comes to the Senate, through the Judiciary Committee hearings, with an extraordinary academic background, able experience as a practicing lawyer and as a jurist, who has given a view of his judicial philosophy both in his extensive writings, some 200 opinions, and his testimony, and, notwithstanding the variance, well within the continuum of constitutional jurisprudence. I intend to support him in the committee and on the floor.

It would be my hope, in conclusion, that we will find it possible in normal processes, without rushing to judgment, to complete our action on Judge Souter in time for the first Monday in October, so that he could take a seat on the Court, which has such very important work to do.

I thank the Chair and I yield the floor.

Noting the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PAYING FOR DESERT SHIELD

Mr. BYRD. Madam President, I support the actions that the President has taken thus far in response to the unprovoked and totally unjustifiable Iraqi invasion of Kuwait. He has acted forcefully, and, at the same time, he has helped to increase the stature of the United Nations by helping to build strong coalitions around resolutions to enforce an effective embargo against Iraq. In addition, the President and his Cabinet have engaged in a productive campaign to enlist the support of our allies and friends around the world to provide the necessary resources on the ground and in the waterways in the Middle East to deter further Iraqi aggression.

One can only speculate, but, without such expeditious and forceful actions by the President, the chances of further aggression by Iraq into Saudi Arabia may very well have already taken place.

The Department of Defense has incurred additional costs in fiscal year 1990 due to the extensive deployment of American men and equipment that has been made in the region of the Persian Gulf. I believe that we should support the request that has been submitted to the Congress for supplemental appropriations of $1.89 billion in funds to offset those heretofore unexpected expenditures at the end of the fiscal year.

The administration has made a strenuous effort to enlist financial commitments by many countries for the Desert Shield operation, and operation that very well may endure for many, many months in the next fiscal year. Reports vary on the size of the commitments to date, but they are fairly substantial, certainly running well over $10 billion. One report of Secretaries Baker and Brady's recent worldwide solicitation efforts to secure commitments of men, equipment, and financial resources indicated that the administration has set a goal of some $23 billion in such financial commitments. Other indications are that the administration expects Desert Shield to cost $15 billion in fiscal year 1991, and expects to offset that with at least $7 billion in foreign contributions. These are very large sums of money.

Madam President, I believe it is appropriate for all nations to shoulder as much of the burden, in men and money, as they can. Some countries have indicated, as have Saudi Arabia, Kuwait, the United Arab Emirates, Japan, Germany, France, and Great Britain, that they are prepared to commit large amounts of financial resources and in some cases very sizable numbers of men and equipment. I am gratified to hear of the commitments that have been made to date. These dollars will make the load on the American taxpayer easier to bear over the duration of this expensive enterprise.

However, Madam President, the existence of this emergency and the financial contributions that will be made do not provide any rationale for the President to circumvent the constitutional powers of the Congress to exercise its responsibilities over the purse. There is no legitimate reason for the administration to ask, as it has in the supplemental appropriation request, that the contributions be given directly to the Secretary of Defense so that he can dispense it pretty much as he likes without its first being appropriated out of the Treasury by the Congress.

The administration appears to be relying on the precedent of a little known statute enacted in 1954, the Defense Gift Act, chapter 26, 50 U.S.C. 1153, which was apparently enacted to allow patriotic citizens to donate small gifts into a special fund to be used for defense purposes. These small donations are supposed to go to the Treasury, which then disburses them to the Pentagon to be used in accordance with the wishes of the donating American citizens.

The statute certainly never contemplated that such a petty cash fund would be used to accept donations of billions of dollars from foreign countries, international organizations, or foreign citizens outside the normal process set up by the Constitution for the appropriation and accounting of funds.

The use of the Gift Act is completely inappropriate for this purpose. Even more inappropriate is the statutory language submitted by the administration, in its supplemental request, which would give sweeping new authority for the Secretary of Defense to accept property, services, or money from anyone and everyone to be used in the wide exercise of discretionary authority—in effect, to establish a military spending slush fund.

The Constitution, in article I, vests the power of the purse in the legislative branch. Article I, section 9, clause 7 contains a key foundation of our system of government, and it states, "no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." The administration has abided by this provision in submitting a request for $1.89 billion in supplemental appropriations to offset the increased defense expenditures associated with Desert Shield. I certainly support the request for appropriations contained in the supplemental.

In addition, as I have said, I support the financial commitments to help offset this operation by those countries and international organization that can afford it, as well as substantial commitments of forces and equipment by as many members of the international community as possible. Certainly, the Congress will want to take into account the contributions that are made to the U.S. Treasury for these purposes and will want to know about them, will want to know the amounts involved, and will want to expend them through the legislative process set forth in the Constitution.

The American people do not feel that they should foot the entire bill, so we should offset that bill as much as possible with the funds contributed from abroad. When it becomes clear how long the operation will last—and there is no way of knowing that—and how much it is costing, the administration will certainly get expeditious consideration of additional supplemental appropriations requests as we go down the road. All requests will be very carefully examined by the appropriations committees of the Congress, and the Congress will respond appropriately, I am sure.

All this, however, has nothing to do with altering the basic balance of powers of the respective branches in the Constitution. No amount of Desert Shield requirements can justify eroding the power of the legislative branch under the Constitution to appropriate money by setting aside that constitutional authority.

Madam President, I ask unanimous consent that an editorial on this subject from today's Washington Post be printed in the RECORD.

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

END RUN BY THE PENTAGON

Who should control the billions of dollars that foreign governments are contributing toward the cost of operation Desert Shield? The Pentagon has come up with the bright idea that it should. True, the Constitution says "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." But this is a special circumstance, the national interest is involved,

and what if the money never reaches the Treasury in the first place?

The administration's proposal is that a special gift fund be created, on which it could draw to finance the operation in the Saudi desert without having to go to Congress for step-by-step approval. Of course it would keep Congress informed and not violate congressional strictures, but . . .

Nice try, but no cigar. The face-off with Saddam Hussein should not be the pretext or precedent for a detour around the Constitution. A Congress still smarting over the extralegal funding, also from foreign sources, of the Iran-contra affair is hardly likely to authorize such a fund, nor should it, nor should a prudent administration ask.

The Pentagon is presumably anxious to make sure that as little as possible of the cost of Desert Shield is taken out of its regular budget. Defense officials may think that by paying part of the cost from a separate fund, they would reduce their exposure; there would be less left to argue about. No doubt they covet the flexibility that separate funding would provide as well.

But the foreign contributions ought to go to the Treasury, then become a resource for Congress to take into account like any other in allocating funds. The contributions are meant to reduce the burden on the U.S. government generally, not just the burden on the Pentagon. Congress has the power of the purse, and not just part of the purse, but all of it.

Mr. BYRD. I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

FORMER AMBASSADOR ED REISCHAUER

Mr. SIMON. Mr. President, over the August recess, I learned that a distinguished former Ambassador from the United States to Japan, Ambassador Ed Reischauer, died.

He was a teacher at Harvard, he was a scholar, he was an author. In addition to all of these things, he was a marvelous, gracious, generous human being.

He contributed to this Nation in just an infinite variety of ways but perhaps in no area was his contribution as significant as helping the United States to understand Japan a little better and helping Japan to understand the United States a little better. He spoke Japanese.

I became acquainted with him. I knew him slightly before, but President Carter appointed a commission to look at the whole question of the foreign language studies and international studies. I had the privilege of serving on that special commission, and one of the other members was Ambassador Ed Reischauer. I came to have just an immense respect for him. He was not in good health in recent years. So his death did not come as a complete shock. But what a tremendous contribution he made.

We use the term "public servant" a little too easily once in awhile. Ed Reischauer was a public servant in the finest tradition of that term. I might add that that tradition is being followed. His son, Bob Reischauer, now heads the budgetary arm for Congress. So there is a family tradition.

But Ambassador Reischauer was an absolutely superb public servant and a great human being. I wanted to take just a minute or two to pay tribute to him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, September 25, at 2:30 p.m., the Senate proceed into executive session for the consideration of Executive Calendar items numbered 21 and 22; that there be 2 hours for debate on the two treaties, en bloc, to be equally divided and controlled between the chairman and ranking member of the Committee on Foreign Relations, or their designees; that the reported declarations to the resolutions be considered as having been agreed to; that no other amendments, reservations, declarations, or understandings be in order; that no motions to recommit be in order; and that at the conclusion or yielding back of time for debate of the two treaties, the Senate proceed to vote on each treaty, back to back, with no intervening action or debate.

I further ask unanimous consent that the two treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Reserving the right to object. No objection.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, we have been attempting for the past several hours to get agreement on a number of pending matters to organize the Senate's proceedings over the next several days, in a manner most consistent with the objective of accommodating schedules of Senators. I expect shortly to be propounding unanimous-consent requests on a number of other measures, including the measure now pending before the Senate, and at the conclusion of which I hope to be able to announce a full schedule for the Senate carrying forward from today through a week from today.

Mr. President, I yield the floor. 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 REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that if over this coming weekend, September 21 through September 23, Senators METZENBAUM and HATCH, the managers of S. 1511, the older workers bill, reach an agreement on a compromise substitute amendment, that that amendment be the only amendment in order to the bill, and that on Monday, September 24, at 5 p.m., the Senate resume consideration of S. 1511; that there then be 2 hours for debate on the agreed-upon amendment, with the time to be equally divided and controlled in the usual form; that at 7 p.m. on Monday, September 24, the Senate proceed to vote on the amendment, and then, without any intervening action or debate, adopt the committee substitute as amended and proceed to vote on final passage of the bill.

I further ask unanimous consent that if no such agreement is reached, then when the Senate resumes consideration of the bill at 5 p.m. on Monday, September 24, it be in order for Senator HATCH to offer amendment No. 2704, which was filed on Wednesday, September 19; that it be the only amendment in order, and that there be 1 hour for debate on the Hatch amendment, equally divided and controlled in the usual form; that when the time is used or yielded back on the amendment, there then be 1 hour for debate on the committee substitute, as modified and amended, equally divided and controlled in the usual form; that at 7 p.m. on Monday, September 24, the Senate proceed to vote on the Hatch amendment No. 2704; that upon disposition of the Hatch amendment No. 2704, the Senate, without any intervening action or debate, proceed to vote to adopt the committee substitute, as modified, and then proceed to vote on final passage of S. 1511, and that no motion to recommit be in order and no

points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. I understand a clarification is requested. Accordingly, 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.

Mr. MITCHELL. Mr. President, I renew my request.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I repeat for the benefit of my colleagues what I stated earlier and indeed expand on what I stated earlier.

We are now attempting to organize a schedule in such a way that the Senate will not be voting during the upcoming 2 days of religious holiday. The House of Representatives will not be in session during that period and we are attempting to organize the Senate's schedule so that we can reach agreement on when matters will be coming up early next week in such a fashion as to permit those Senators who observe the religious holidays to do so, as they should be able to do so, and other Senators not to have their presence required during this 2-day period. That is the purpose which we have been seeking to move toward.

We have now gotten agreement with respect to two measures. We are presently working on three remaining measures and I hope very much to propound requests with respect to those other three measures shortly. In that fashion the Senate will be able to do in an organized and relatively concise timeframe business which would otherwise require us to remain in session over this period to get to, and I think that is the best way to accommodate both the public interest in moving forward on this important legislation and the convenience of as many Senators as possible.

So we will be continuing our efforts here. I hope very shortly to propound additional requests as I have just indicated and will have announcements appropriately when we do so. I thank the distinguished Republican leader and all of our colleagues on both sides for their cooperation in attempting to organize this schedule in this fashion.

Mr. President, I yield the floor.

APPOINTMENT OF CONFEREES—H.R. 4653

The PRESIDING OFFICER. Under the authority provided on September 13, 1990, with regard to H.R. 4653, the Export Administration Act, the Chair appoints Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. GARN, and Mr. HEINZ; from the Committee on Foreign Relations solely for consideration of title I, section 117 of the Senate amendment and the specific disagreeing provision of title I, section 109 as regards the Arms Export Control Act, section 120(a), title III, and title IV of the Senate amendment: Mr. PELL, Mr. HELMS, and Mr. SARBANES; and from the Committee on Finance solely for consideration of title IV of the Senate amendment relative to sanctions on imports: Mr. BENTSEN, Mr. MOYNIHAN, and Mr. PACKWOOD, conferees on the part of the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING SENATOR STROM THURMOND FOR HIS ACHIEVEMENTS AND LIFETIME OF PUBLIC SERVICE

Mr. DOLE. Mr. President, this evening, the Non Commissioned Officers Association of the United States of America, will present its highest award to the senior Senator from South Carolina, STROM THURMOND.

It seems to me that this is an appropriate time for the full Senate to acknowledge our distinguished colleague's outstanding support for and commitment to our Nation's armed services and its veterans.

I doubt if there has ever been a more deserving choice for the Non Commissioned Officers Association's "Lifetime Legislative Achievement Award" than Senator THURMOND. His contributions to the military and veterans for more than 30 years is legendary. He continues to be one of the uniformed service member's strongest supporters, whether they serve on active duty, or in a veteran's status. Senator THURMOND has always stood tall for a strong national defense, even when support for our service men and women was under political attack.

Senator THURMOND was also instrumental in elevating the Veterans' Administration to Cabinet level status, while his work for veterans through his position on the Senate Veterans' Affairs Committee has paid off for all veterans.

Mr. President, I, too, offer my congratulations to Senator THURMOND for the Non Commissioned Officers Association "Lifetime Legislative Achievement Award."

Senator THURMOND has served his country in many ways: As an Army officer; as a circuit judge; as Governor of South Carolina; and since 1956, as the distinguished Senator from South Carolina. Senator THURMOND's record of achievement is one we can all admire and is in highest traditions of American public service.

As a proud Senate colleague, and as a World War II veteran, I say thanks.

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 (Mr. ROCKEFELLER). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

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 10:00 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 57. Joint resolution to establish a national policy on permanent papers.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4811. An act to expand the boundaries of the San Antonio Missions National Historical Park, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 10:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 2205. An Act to designate certain lands in the State of Maine as wilderness;

S.J. Res. 313. Joint resolution deignating October 3, 1990, as "National Teacher Appreciation Day"; and

H.J. Res. 568. Joint resolution designating the week beginning September 16, 1990, as "Emergency Medical Services Week."

The enrolled bill and joint resolutions were subsequently signed by the Acting President pro tempore [Mr. LIEBERMAN].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4811. An act to expand the boundaries of the San Antonio Missions National Historical Park, and for other purposes; to the Committee on Eenrgy and Natural Resources.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 19, 1990, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 963. An act to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes;

S. 2205. An act to designate certain lands in the State of Maine as wilderness.

Presented to the President of the United States, September 19, 1990;

S.J. Res. 313. Joint resolution designating October 3, 1990, as "National Teacher Appreciation Day",

S.J. Res. 331. Joint resolution to designate the week of September 23 through 29, 1990, as "Religious Freedom Week"; and

S.J. Res. 333. Joint resolution to designate the week of September 30, 1990 through October 6, 1990, as "National Job Skills Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation (Rept. No. 101-466).

S.J. Res. 23. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations (Rept. No. 101-466).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 594. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes (Rept. No. 101-467).

By Mr. BURDICK, from the Committee on Appropriations, with amendments:

H.R. 5268. A bill making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1991, and for other purposes (Rept. No. 101-468).

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. DIXON (for himself, Mr. GRAHAM, and Mr. GARN):

S. 3073. A bill to reserve the income on depository institution reserves at the Federal Reserve Banks to protect and enhance the deposit insurance system; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH:

S. 3074. A bill to amend title XVIII of the Social Security Act to provide for collection and dissemination of information on Medicare secondary payer situations from entities insuring, underwriting or administering employee group health plans, and to establish a data bank; to the Committee on Finance.

By Mr. GRAHAM:

S. 3075. A bill to amend the Federal Deposit Insurance Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. CONRAD, Mr. GLENN, Mr. RIEGLE, and Mr. LEVIN):

S. 3076. A bill to provide for permanent extensions of expiring health related waiver of liability provisions; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 3077. A bill to amend the Federal Triangle Development Act relating to the financing, planning, construction, and operation of the international and cultural trade center, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WIRTH:

S. 3078. A bill to protect the wilderness qualities of certain lands in the State of Colorado pending enactment of legislation designating those lands as components of the National Wilderness Preservation System or releasing those lands for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 3079. A bill to authorize the expansion of the Saguaro National Monument; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 3080. A bill to provide to the Federal Government and States the opportunity to acquire old military facilities for use as prisons to ensure that prisoners are not unnecessarily released early; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. KENNEDY, Mr. RIEGLE, Mr. DODD, Mr. BRADLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. SIMON, Mr. ADAMS, and Mr. PELL):

S. 3081. A bill to amend title XIX of the Social Security Act to provide better health protection for mothers and children, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. McCAIN):

S. 3082. A bill to expand the authority of the Secretary of the Interior in connection with the investment of Indian trust funds, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. CONRAD, Mr. INOUYE, and Mr. McCAIN):

S. 3083. A bill to establish a tribal cattle herd pilot project, and for other purposes; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. D'AMATO):

S. Res. 325. A resolution to recognize and commend the establishment of the Eisenhower Center for the Conservation of Human Resources at Columbia University; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON (for himself, Mr. GRAHAM, and Mr. GARN):

S. 3073. A bill to use the income on depository institution reserves at the Federal Reserve Banks to protect and enhance the deposit insurance system; to the Committee on Banking, Housing, and Urban Affairs.

RESERVES TRANSFER LEGISLATION

● Mr. DIXON. Mr. President, I am today introducing, for myself and my distinguished Banking Committee colleague, Senator GRAHAM, legislation designed to further strengthen the Federal Deposit Insurance Corporation.

There is no question that the bank insurance fund of the FDIC is under stress and that the deposit insurance system would greatly benefit from an additional revenue source. Last week, the distinguished Comptroller General, Charles A. Bowsher, testified before the Banking Committee on the General Accounting Office's audit of the bank insurance fund. The testimony contains a lot of bad news. We need to keep in mind, however, that this is not the thrift situation. We are not already facing an inevitable large-scale taxpayer liability. There is time to act.

I think the GAO's testimony was, in effect, a call to action. The FDIC has acted responsibly by increasing the insurance premium the banking industry pays by over 62 percent. That change means that the bank insurance fund will have over $5 billion in premium income next year. In order to avoid the risk of future problems, though, further action is needed. Congress also needs to act promptly and decisively.

As the GAO's testimony clearly demonstrates, the bank insurance fund will likely not be able to achieve its 1.25 percent target ratio in the next 5 years. This estimate includes the premium increase the FDIC has ordered. In order to ensure that the FDIC always has enough cash on hand to close institutions that need to be closed, therefore, additional steps must be taken. We cannot afford to let

the insurance fund decline to levels that will create incentives for the FDIC to wait to close money-losing, insolvent institutions. We know where that leads.

We need comprehensive reform of the deposit insurance system. Last week, I introduced a bill to accomplish that objective. Overhauling deposit insurance, however, is very controversial and will take a lot of time. We also need to take a few quick actions—actions that will help now.

The distinguished chairman of the Banking Committee, Senator RIEGLE, has introduced legislation to eliminate restrictions on the FDIC's ability to raise premiums by the amount it believes is required to protect the fund. I congratulate him for his leadership on this issue, and for his willingness to take this tough step.

The legislation I am proposing today is another step we should take now. As my colleagues may know, banks, thrifts, and credit unions currently have close to $34 billion on deposit at the Federal Reserve. The great bulk of this money represents banking industry money. The Fed does not pay the depository institutions interest on these funds. However, the Fed does earn interest, which it returns to the Treasury.

My bill simply transfers this interest—paid at the Federal funds rate—to the banking, thrift, and credit union insurance accounts. This forgone interest represents a kind of depository institution industry payment to the Federal Government. Transferring the interest to the bank insurance fund and the other relevant insurance funds, instead of the Treasury, means that the funds will receive more than $2 billion in additional income each year. Importantly, this fund transfer can be accomplished without increasing the Federal deficit. While the Fed's payment to Treasury would decrease, FDIC's income would increase, offsetting Treasury's loss.

The benefits of this kind of plan are considerable. It will help ensure that the FDIC has the resources it needs to close insolvent banks promptly. It will help reduce the stress on the bank fund, and help reduce the possibility that the bank insurance fund will need Federal general revenue assistance.

Importantly, it accomplishes these objectives without adding to the risk of further bank failures. Over the last 4 years, the banking industry has added over $62 billion in capital. Banks need to do more to increase their capital, and we need to ensure that they will do more.

We must not forget, though, that industry earnings are down, that loan losses are steadily up, and that bank Federal taxes have doubled in the last 4 years even though earnings last year were over $2 billion less than they were at the beginning of that period. My bill adds to the insurance fund's resources in a way that does not add to the risk of additional failures. It does not take the place of needed premium increases. It does make it more likely that the insurance fund's revenue needs will not hurt bank capital growth, which, after will, is the first line of defense against losses.

The funds my bill transfers are, in a very strong sense, already banking industry funds. It makes sense to put them into the bank insurance fund now. It may be one of the best investments we could ever make.

I offer this suggestion as one the Senate should consider carefully. It is something we can do quickly, without adding to the deficit, which would really help. It is an action that would make a real difference. I urge prompt enactment of this legislation.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 19(b) of the Federal Reserve Act, as amended, shall be amended by adding at the end thereof the following new paragraph:

"(12) EARNINGS ON RESERVES—For each calendar quarter beginning on January 1, 1991, the Board shall assess the Federal Reserve Banks, and the Reserve Banks shall pay to the Board, an amount equal to the imputed earnings on reserves.

Upon receipt of such assessment, the Board shall promptly pay to the Bank Insurance Fund, the Savings Association Insurance Fund and the Credit Union Insurance Fund that portion of the assessment that is attributable to reserves held at Federal Reserve Banks for the quarter by the members of each fund as calculated by the Board. For the purposes of this paragraph, imputed earnings on reserves means the average required reserve balances held with the Federal Reserve Banks pursuant to this section during the applicable calendar quarter by depository institutions that are members of such insurance funds multiplied by the average federal funds rate during that quarter, as determined by the Board.".●

By Mr. ROTH:

S. 3074. A bill to amend title XVIII of the Social Security Act to provide for collection and dissemination of information on Medicare secondary payer situations from entities insuring, underwriting or administering employee group health plans, and to establish a data bank; to the Committee on Finance.

COLLECTION OF INFORMATION ON MEDICARE SECONDARY PAYER SITUATIONS AND DATA BANK

● Mr. ROTH. Mr. President, the Permanent Subcommittee on Investigations [PSI], on which I serve as ranking minority member, recently held hearings on problems and abuses in one part of the Medicare program, the Medicare Secondary Payer or MSP Program. This program involves primarily the working elderly, people who are over 65 but who are still employed and have private health insurance through their employer. The Medicare Secondary Payer, or MSP Program is designed, as its name implies, to ensure that an individual's private insurance pays the primary cost of medical bills, while Medicare pays secondary. Unfortunately, implementation of the MSP Program has been erratic at best.

The MSP program involves a complex legislative scheme that requires several different entities, including health care providers, patients, insurance companies and Medicare administrators to perform certain functions. Unfortunately, performance under the MSP Program has not measured up. Failure to follow the MSP law is costing the taxpayer billions of dollars. Various government sources estimate that losses to the Federal Government as a result of the MSP Program range from $400 million to $1 billion per year. Studies by the General Accounting Office and the inspector general of the Department of Health and Human Services have repeatedly identified the MSP program as gushing with leaks of Federal tax dollars. Today, I am introducing legislation aimed at stemming this flow of Federal tax dollars by requiring accurate reporting of private insurance information.

Why are we confronted with these staggering losses a decade after the first MSP provisions were enacted by Congress? PSI's investigation has uncovered some answers to this question which I hope lead to improvements in implementing the MSP Program. For several years the Federal Government has been relying on the honor system to ensure compliance with MSP. This must stop. PSI's investigation shows, I am afraid, that medical care providers such as hospitals, Medicare contractors which administer Medicare benefits, private insurance companies, the health care financing administration and yes, the Congress, each share some responsibility for the failure of the MSP Program.

While MSP is only a small part of the overall Medicare Program, I find the waste of up to a billion dollars a year in this one program absolutely astounding. In my view, these wasteful and abusive practices belie the claims that the Federal Government needs to raise taxes to make its budgetary ends meet. Until we get our house in order on the waste, fraud, and abuse that cost the taxpayers so dearly, we have no right to ask these same taxpayers to shell out even more in taxes.

It is clear that we need a means to accurately identify primary sources of payment for private insurance so that Medicare pays properly as a secondary payer. This legislation would take us a

long way toward reducing the erroneous payments made by Medicare. Our bill would require any entity insuring, underwriting, or administering a group health plan, as well as certain employers, to notify the Secretary of Health and Human Services of individuals who would be subject to the provisions of the MSP Program. Employers, together with those who administer, underwrite, and insure private group health plans are in the best position to identify employees who have private health coverage through the workplace. Medicare administrators as well as other appropriate State agencies would have access to the information as a check to ensure that the proper private insurance, if applicable, has paid primary to Medicare. Collection and dissemination of accurate insurance information is a vital step toward turning this program around and making it work for the intended beneficiaries rather than lining the pocket of unscrupulous insurance companies who have been ducking their obligations under the law.

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. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLLECTION OF INFORMATION ON MEDICARE SECONDARY PAYER SITUATIONS AND ESTABLISHMENT OF DATA BANK.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end thereof the following new paragraph:

"(6) COLLECTION OF INFORMATION ON SECONDARY PAYER SITUATIONS AND DATA BANK.—

"(A) REQUIRING SUBMISSION OF INFORMATION.—

"(i) FROM GROUP HEALTH PLANS.—The Secretary shall require employers and any entity insuring underwriting or administering a group health plan (as described in paragraph (1)) to notify the Secretary (in such frequency, form and manner as the Secretary may by regulation provide) with respect to individuals entitled to benefits under this title under section 226(a), 226(b), or 226A who are enrolled under such health plans.

"(ii) FROM OTHER INSURERS OR PLANS.—The Secretary shall require entities (including any State or local government) operating, insuring, or administering a workmen's compensation law or plan, an automobile or liability insurance policy or plan (including a self-insured plan) or no fault insurance plan to notify the Secretary (in such frequency, form and manner as the Secretary may by regulation provide) with respect to individuals entitled to benefits under this title under section 226(a), 226(b), or 226A who are enrolled under such health plans.

"(B) PENALTY FOR FAILURE TO PROVIDE INFORMATION.—Any entity described in subparagraph (A) (other than a Federal or other governmental entity) which knew or had reason to know of the requirements of this paragraph with respect to providing notification to the Secretary and which fails to provide timely and accurate notice in accordance with the requirements of this paragraph shall be subject to a civil money penalty of not to exceed $10,000 for each such failure incident. The provision of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(C) MEDICARE SECONDARY PAYER DATA BANK.—

"(i) IN GENERAL.—The Secretary shall collect and store in a data bank established for purposes of this subsection the information provided to the Secretary by entities as described in this paragraph along with such further information on medicare secondary payer situations as the Secretary deems appropriate no later than 6 months after the date of enactment of this act.

"(ii) DISSEMINATION.—In addition to any other information provided under this title the Secretary shall make the information contained in the data bank established in clause (i) available to fiscal intermediaries and carriers for the purposes of carrying out this subsection.".●

By Mr. GRAHAM:

S. 3075. A bill to amend the Federal Deposit Insurance Act; to the Committee on Banking, Housing, and Urban Affairs.

BANK DEPOSIT INSURANCE AUTHORITY

Mr. GRAHAM. Mr. President, there are some eerie similarities to what is happening in the fall of 1990, to that which occurred in the fall of 1988. Almost exactly a year ago, September 8, 1988, in testimony before the House Banking Committee, the then chairman of the Federal Home Loan Bank Board, the agency with responsibility for savings and loan institutions, made this statement:

I believe that in the past year the FSLIC has made significant strides in resolving FSLIC cases and, though subject to the vagaries of future economic conditions, realistic projections today indicate that FSLIC possesses adequate resources in the near term to deal effectively with the immediate problems of troubled institutions.

At that time, Mr. Wall estimated that the total cost of resolving problems would be around $30 billion. Mr. President, as we now know, that $30 billion number was woefully inadequate. We also know from as recently as headlines in today's press that the consequence of the underfunding of the savings and loan insurance fund in the fall of 1988 was to propel Mr. Wall and his colleagues into a series of negotiations which led to transactions such as the "Blue Bonnet" deal, the Southwest Texas plan, and others which are now going to cost the Federal taxpayers in the range of $65 to $70 billion.

What is eerie about recalling those statements in September 1988 is that we are hearing some similar statements, Mr. President, in the fall of 1990 relative to the health of the Federal Deposit Insurance Corporation fund, the fund which supports our commercial banks' deposit insurance.

Mr. President, we are getting statements that essentially say the funds, yes it is in trouble, most of those statements coming from independent observers such as the General Accounting Office and the Congressional Budget Office. But from the regulations we are getting statements that there is no sense of alarm, no need for precipitate action.

Mr. President, I am not reassured by those statements. The history of the savings and loan industry should have taught us a lesson of legislative responsibility. The history of the savings and loan legislation should have taught us the need to move effectively where it is clear that such action is called for. The recent reports by the GAO and the CBO have underscored the vulnerability of the FDIC insurance fund.

Thus, Mr. President, I hope that this Congress, before we adjourn this year, will take a series of actions designed to solidify, to strengthen, to make less vulnerable the FDIC fund so that in the fall of 1992 we will not be bemoaning the fact that twice we had missed the clear clarion call for action.

I believe there are a number of things that need to occur. Some of that legislation is already advanced, such as a proposal to lift the current restrictions on the premiums that can be paid into the FDIC fund. If we are going to make the Federal Deposit Insurance Fund truly an insurance fund and not a disguised subsidy, then the premiums paid in this fund must meet some actuarial standards of adequacy in proportion of the risk assumed.

Second, Mr. President, we ought to be moving forward with a proposal to make the insurance premiums risk based; that is, to relate the degree of risk for individual institutions to the amount of premiums that those institutions pay.

With the current Presiding Officer, other Members and myself have been urging this for some time and have introduced legislation to do so. I hope that that concept will be incorporated in legislation that will pass before we adjourn this year.

A third area is adequate staff for the regulatory agencies. If there was one lesson we have learned through the savings and loan industry is that there is a difference between deregulation and desupervision. Deregulation speaks to letting the marketplace function more effectively. But we know that as long as there are important trust responsibilities to the safety and soundness of our basic financial system that there will be the necessity for effective supervision. And we need to be assured, Mr. President, that there will be that effective personnel,

both in number and in competence, to provide us with effective oversight.

That effective supervision will then allow us to get data, information, somewhat like the thermometer of our financial institutions, so that we in the Congress, the executive branch, and the American people will have reliable data upon which to assess the health of the insurance fund and the industry.

This afternoon, Mr. President, I am introducing another concept which I think should be part of this emergency process and that is to carry out a recommendation that has been made by the current chairman of FDIC, Mr. William Seidman. Mr. Seidman, on July 31 of this year, speaking before the Senate Banking Committee, said that he believes "that as a basic principle the insurer should decide which institutions it insures and that that is the ultimate protection that ought to be afforded to the taxpayer. So we have that now with the savings and loan. We don't have that with the banks." "As a matter of principle, the insurer should determine what institutions qualify for insurance.* * *"

Well, what Mr. Seidman was alluding to is the anomaly that currently exists, and that is that the Federal Deposit Insurance Corporation is required to provide insurance coverage to federally chartered banks or those that are members of the Federal Reserve System. As a result of action taken in 1989, FDIC is no longer obligated to give insurance to thrifts; that is, a judgment can be made to the effect that that particular institution given its standards of conduct does not warrent the extension of Federal deposit insurance. The FDIC has similar authority to withhold insurance coverage from State chartered nonmember financial institutions.

The legislation which I am going to file would eliminate this anomaly and, as Chairman Seidman has requested, would give to FDIC the authority to deny insurance on an individual institution basis where it is determined that that institution represents too great a risk to the insurance fund.

Mr. President, I have alluded to some of the lessons that we have learned in the saving and loan debacle. Clearly, a core lesson is the fact that we cannot allow the deposit insurance fund to remove from the management of institutions their sense of personal responsibility and financial accountability for their actions. The way the insurance fund has operated in the past has been characterized as privatizing profits and socializing losses; that is, the institution, if things went well, would reap the benefit of the profit; if things went badly, that was the taxpayers' responsibility. That is an unacceptable allocation of risk and reward.

Mr. President, the legislation I will file today will fill one piece of that anomaly by providing to the Federal Deposit Insurance Fund the capacity to deny coverage where it feels that a federally chartered institution does not warrant that degree of Federal assumption of financial responsibility.

Mr. President, the Sunday, July 15, 1990, "Face the Nation" television program featured the Chairman of the Federal Deposit Insurance Corporation [FDIC], Mr. William Seidman, who commented that he felt the insurance fund was adequate to handle a mild recession, but that if economic conditions should deteriorate beyond that, that he had some serious concerns. His statements were quoted in the Washington Post on Monday, July 16. Mr. Seidman stated that the insurance fund that protects the deposits of U.S. banks is "under considerable stress" and "would be in trouble" were the Nation to suffer a serious recession. The article went on to quote Mr. Seidman as saying "we can handle anything we can foresee right now," Mr. Seidman said, "But if things come along, major failures that we are not able to foresee at this time, that would be another story. The system is under stress."

Mr. President, as I read that article, I had a sense of recall of similar statements being made back in 1988 relative to the Federal Savings and Loan Insurance Coporation [FSLIC].

At that time Chairman Wall of the Federal Home Loan Bank Board said on May 26, 1988, to the Senate Banking Committee:

> The board projects the FSLIC possesses adequate resources in the near term to deal effectively with problem institutions in the thrift industry. This projection depends upon other segments of the thrift industry remaining stable and assumes no significant increase in interest rates or dramatic downturn in other sectors of the economy.

At that time Mr. Wall was projecting a cost to the fund of somewhere around $22.7 billion.

Meanwhile, Under Secretary George Gould of the Treasury Department in a question and answer period with me on August 2, 1988, said when I asked him "assuming the problem is a $30 billion problem. What do you believe Congress should do between now and our adjournment in October? Mr. Gould replied: "Well, in my opinion, Senator, if you believe that is the size of the problem, and as I do, that the bank board is moving as expeditiously as it is organized to do, then I think it is not necessary to do anything between now and November." He continued, "if you proceed into next year at the rate of two resolutions a week you're going to learn something about the costs. Then if you want to review the situation again next year, I would suggest and really ask very strongly that you do it in the context of looking broadly at the whole public policy issue of the role of deposit insurance."

In Mr. Wall's September 8, 1988, testimony before the House Banking Committee he said again, "I believe that in the past year the FSLIC has made significant strides in resolving FSLIC cases and, though subject to the vagaries of future economic conditions, realistic projections today indicate that FSLIC possesses adequate resources in the near term to deal effectively with the immediate problems of troubled institutions." The problem was then estimated to be around the $30 billion level.

I was troubled with that pattern of representations in 1988 by Mr. Wall and Mr. Gould that showed the situation to be so distant from the reality. Today, I am troubled by the similar statements we are hearing from Chairman Greenspan and Treasury Secretary Brady.

During a questions and answer period with me during a Senate Banking Committee hearing on July 18, 1990, I asked Chairman Greenspan if he had any recommendations he would make to Congress regarding the Federal deposit insurance fund. Chairman Greenspan said:

> I would assume if there were any recommendations, they will evolve in the context of the firrea-mandated study which the Treasury is involved with and which we at the Fed are acting in concert with them.

I also asked Chairman Greenspan:

> It was almost exactly 23 months ago that the then Vice President of the United States, made a statement that his economic assessment of the future was such that he felt we could achieve our Nation's economic and fiscal goals solely within spending reduction strategies. That position was reasserted in January 1990 in the State of the Union Address. During the week of July 18 we had a report from the President's budget advisers that if we were to follow that strategy, that very serious negative occurrences would be the result. What do you think happened in the 23 months since August 1988, and the 7 months since January 1990, that have caused the assessments of some of the most knowledgeable and best informed people in the Federal Government to now be so widely out of touch with what current economic circumstances are?

Chairman Greenspan replied:

> Well, there are a lot of technical differences that have emerged with respect to estimating the budget deficit and specifically, receipts. The effects of the Tax Reform Act of 1986 were not clearly evident until fairly recently * * * that was certainly one element. There were clearly other elements involved. I mean, there were estimates of the rate of economic activity in nominal, taxable income terms which are higher than has turned out to be the case. Their interest rate assumptions turned out to be lower than turned out to be the case, which is one additional relevant issue. Finally, the way in which the budget is forecast by the administration is to assume that the requests of the President are fully implemented by the Congress. And depending on what those requests are, you can get a very significant,

different budget forecast than from what we've called baseline or used to call current services. I think that the numbers we're looking at today are more baseline current services, whereas, those that refer to the two cases in which you were referring were, I believe, administration forecasts with full policy implementation.

On July 25, 1990, I asked Treasury Secretary Brady, when he came before the Senate Banking Committee, "Do you share Chairman Seidman's appraisal of the Federal deposit insurance fund being under stress?" Secretary Brady responded:

I do not know what assumptions went into the calculation of "severe recession." You certainly could have a severe recession that would threaten a lot of things, and we cannot base our estimates of how we are going to conduct business on a severe recession, although they ought to be taken into account. If you did, how about a severe-severe recession, which would produce probably the requirement for deposit insurance charges to the banks that they put forward to pay and place this country at an even greater comparative disadvantage with international competitors like Japan and Germany. * * * "severe recession" is going to mean trouble in a lot of areas. The point is to stay out of a severe recession, which I think we will do.

Then I asked Secretary Brady if there were any actions he would recommend that Congress should initiate relative to the Federal deposit insurance fund. Secretary Brady said:

Not at this time, although we are studying the matter. I have asked Bill Seidman to give us any conclusions he might have so we can look at them.

I also asked Secretary Brady about the economic assumptions made by the President in his State of the Union Address in January 1990 indicating my concern that if circumstances could change so dramatically in just this 6-month period, what does that say about the State of the American economy? And what are the reasons that he thought accounted for this dramatic shift between January 1990 and the 25th of July? Secretary Brady said:

There are a number of things that have changed since the President put forth his budget. First of all, we have had a slowdown in the economy which has contributed substantially to the increase in the deficit. Second, there has been more spending than we thought there should be. That is a question of whether that spending should continue at the rate that is now going on. The obvious conclusion is that it cannot continue.

As one who has functioned in both the legislative and executive branches of Government, I know how important it is for one who represents the executive branches' responsibilities to the legislative branch to accurately assess the condition and needs of that agency and assist the legislative branch in carrying out its independent legislative responsibilities. Executives should be aware of the consequences of their actions and therefore not discourage any sense of urgency or provide unguarded optimism as we get on with the job of working out the problems. We do not want to create an atmosphere of passivity while one of the most serious crises of the financial industry continues or another one starts to unfold.

As a fundamental goal to trying to avoid a repetition of the savings and loan crisis with the banking insurance fund, I will be introducing a bill to give the FDIC the authority to withhold Federal deposit insurance to federally chartered banks or those that are Federal Reserve members. This mirrors the authority we gave the FDIC for federally chartered thrifts in FIRREA. The FDIC already has the authority to withhold Federal deposit insurance from State chartered nonmember financial institutions. Currently the FDIC gives automatic insurance coverage to federally chartered banks or those that are members of the Federal Reserve System.

Chairman Seidman of the FDIC is in support of my bill. During the Banking Committee hearing July 31, 1990, he said:

Well I think that as a basic principle the insurer should decide which institutions it insures and that that is the ultimate protection that ought to be afforded the taxpayer. So we have that now with the S&L's. We don't have that with the banks. As a matter of principle, the insurer should decide what institutions qualify for insurance.* * *

My bill would give Chairman Seidman that authority. My bill is not inconsistent with our review of the deposit insurance reform study. It is obvious that this bill should be introduced and moved. I encourage all my colleagues to cosponsor this bill.

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. CONRAD, Mr. GLENN, Mr. RIEGLE, Mr. BRADLEY, Mr. COCHRAN, Mr. BURDICK, and Mr. LEVIN):

S. 3076. A bill to provide for permanent extensions of expiring health related waiver of liability provisions; to the Committee on Finance.

EXTENSION OF EXPIRING HEALTH RELEATED WAIVER OF LIABILITY PROVISIONS

● Mr. PRYOR. Mr. President, I am introducing a bill today that would make permanent the Medicare waiver of liability for home health agencies, hospices and skilled nursing facilities [SNF's]. I am pleased to be joined by Senators HEINZ, MITCHELL, ROCKEFELLER, WARNER, HOLLINGS, CONRAD, GLENN, RIEGLE, BRADLEY, COCHRAN, BURDICK, and LEVIN.

In essence, the waiver of liability acts as a form of insurance for health care providers in good standing who accept Medicare patients, but later find that these patients are ineligible or the services are not covered. In 1972, the Health Care Financing Administration [HCFA] created this presumptive status for providers whereby they were presumed to have acted in good faith if they demonstrated reasonable knowledge of coverage standards in their submission of claims.

The waiver of liability does not give providers a blank check. In order for them to be compensated under the waiver of liability presumption, their overall denial rate of claims must be less than 2.5 percent of Medicare claims for home health agencies and hospices, and 5 percent for SNF's. Any provider that exceeds these limits is not reimbursed under the waiver.

Congress responded to HCFA's attempt to eliminate the waiver in 1986 by including a 1-year extension in COBRA. Subsequent to COBRA, the Medicare Catastrophic Care Act extended it until November 1, 1990; this provision was not repealed. The House reconciliation bill includes an extension of the waiver for SNF's, hospices, and home health agencies until December 31, 1995. There was no cost associated with this provision.

Because of the inherent uncertainty in the various fiscal intermediaries' interpretations of constantly changing guidelines, directives and regulations, the protection that the waiver of liability offers is crucial to home health agencies, hospices and SNF's. Without it, some providers might well be hesitant to cover Medicare patients—an outcome we all would want to avoid. Because of the importance of the waiver to providers and beneficiaries, and because it has been in place for nearly 20 years, it makes sense to make it permanent. I urge my colleagues to join me in cosponsoring this legislation.●

By Mr. WIRTH:

S. 3078. A bill to protect the wilderness qualities of certain lands in the State of Colorado pending enactment of legislation designating those lands as components of the National Wilderness Preservation System or releasing those lands for other purposes; to the Committee on Energy and Natural Resources.

INTERIM COLORADO WILDERNESS PROTECTION ACT

● Mr. WIRTH. Mr. President, over the last few years the Colorado delegation has discussed repeatedly the need for a Colorado wilderness bill. Unfortunately, despite agreement on the need to complete this task, progress on a Colorado wilderness bill has been stalled by the debate over protection on streamflows in wilderness areas.

While the debate over wilderness water rights has dragged on, many proposed wilderness areas are being threatened by logging, off-road vehicle use, and commercial development. Unless action is taken soon, some of Colorado's premier potential wilderness areas will be irreversibly damaged, and we will have lost the oppor-

tunity to preserve these areas for future generations.

Therefore, today I am introducing legislation to provide interim protection for all of the areas that have been proposed for wilderness by members of our delegation. This legislation has one simple goal: To protect these areas' wilderness values until the congressional delegation can devise a compromise solution to the water rights controversy. Then we can move on to making final decisions on which lands should be permanently designated as wilderness and which lands should be released for other purposes.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 3078

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Interim Colorado Wilderness Protection Act of 1990."

TITLE I—INTERIM PROTECTION

SEC. 101. FINDINGS.—The Congress finds and declares that—

(1) There is broad support among the people of Colorado and the nation for legislation to protect the natural values of wilderness candidate lands in the State of Colorado;

(2) Wilderness candidate lands in Colorado provide valuable habitat for a wide variety of fish and wildlife species;

(3) Wilderness candidate lands are used by families from across the country for hiking, camping, hunting, fishing, skiing, and other recreational activities, and are also used for grazing domestic livestock, all of which contribute to the state's economy;

(4) However, many of these wilderness candidate lands are threatened by activities that are incompatible with protection of their wilderness values and pristine environmental quality and which could irrevocably impair those areas' suitability for wilderness designation; and

(5) It is essential to preserve and protect the wilderness values of these lands until the Congress enacts legislation that either designates these lands as components of the National Wilderness Preservation System, or releases these lands for other purposes.

SEC. 102. (a) INTERIM PROTECTION.—For a period of five years, beginning on the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall manage those federal lands in the State of Colorado that were proposed to be designated as wilderness or wilderness study areas by the provisions of S. 1343 (The Colorado Wilderness Act of 1989) as introduced in the United States Senate on July 18, 1989; S.2001 (The Colorado Heritage Preservation Act) as introduced in the United States Senate on January 23, 1990; and the legislative proposal identified as "Discussion Draft" dated 2-8-90 and carrying Office of the Legislative Council, U.S. House of Representatives identification number CAMPC0001 that accompanied a letter dated February 10, 1990, from the Honorable Ben Nighthorse Campbell, so as to protect their wilderness qualities and to preserve unimpaired their suitability for designation as wilderness.

(b) The lands encompassed by this Act are closed to all forms of timber removal.

(c) Subject to valid existing rights, the minerals in lands designated by this Act are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(d) The appropriate Secretary shall limit motorized access to the lands encompassed by this Act to those purposes and uses that would otherwise be permitted if these lands were designated as components of the National Wilderness Preservation System, subject to the provisions of paragraph (e).

(e) The grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are applicable to grazing on federal lands generally. The use of motorized vehicles or motorized equipment for the management of livestock, where established prior to the enactment of this act, shall not be subject to the provisions of paragraph (d).

(f) This Act shall not be construed to interfere with the terms and conditions of special use permits that have been issued by the Secretary of Agriculture for winter recreation sites. In those cases where lands encompassed by this Act are also subject to approved special use permits for winter recreation sites at the Berthoud Pass Ski Area and the Winter Park Ski Area in the State of Colorado, the terms and conditions of the special use permits shall control.

TITLE II—WATER RIGHTS

SEC. 201. This Act shall not be construed to effect an express or implied reservation of water.

TITLE III—ADMINISTRATIVE PROVISIONS

SEC. 301. As soon as practicable after this Act takes effect, the Secretary of Agriculture and the Secretary of the Interior, as appropriate, shall file maps and legal descriptions of each candidate wilderness or wilderness study area identified by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.●

By Mr. McCAIN:

S. 3079. A bill to authorize the expansion of the Saguaro National Monument; to the Committee on Energy and Natural Resources.

EXPANSION OF SAGUARO NATIONAL MONUMENT

● Mr. McCAIN. Mr. President, today I am introducing legislation which will authorize the expansion of the Saguaro National Monument in Tucson, AZ.

The Saguaro National Monument was established in 1933 to preserve and protect "the exceptional growth thereon of various species of cactic including the majestic saguaro cactus." The monument is a favorite visiting spot for many Arizonans and visitors to our State.

The legislation I am introducing today will authorize the addition of 3,540 acres to the Rincon Unit of the monument an area of 63,000 acres. The areas designated for inclusion contain outstanding features, which deserve protection and would be an excellent addition to the monument. Located immediately adjacent to the present monument lands, the proposed area is an exceptional example of the Saguaro Cactus-Palo Verde uplands Sonoran desert habitat. The land's healthy multiaged saguaro stands add ecological diversity to the present area, and is prime habitat for desert tortoise, gila monster, javelina, and numerous other species of reptiles, mammals, and birds typical of the ecologically rich Sonoran desert area. Additionally, the area contains important archaelogical and cultural sites.

The bill authorizes the Secretary of the Interior to acquire the land and all interest in it through donation, exchange or purchase with donated or appropriated funds. The acquisition will only go forward with the willing participation of the present landowners.

Legislation to effect the expansion of the monument has received wide support including that of the Pima County Board of Supervisors, the city of Tucson, the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society, and the National Parks, and Conservation Association. I would like to ask unanimous consent that letters from the Pima County Board of Supervisors and the city of Tucson be inserted in the RECORD. I would also like to thank and congratulate the Tucson-based Saguaro National Monument boundary review working group which has labored so diligently on the expansion plan, particularly Luther Propst, William Lienesch, and Steven Whitney.

Arizona has been blessed with a bountiful natural heritage. This legislation will play an important role in ensuring our heritage is protected and preserved for the benefit of this and future generations of Arizonans. I look forward to a hearing on this legislation at the earliest possible time so that the Senate can examine it in detail.

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

CITY OF TUCSON,
OFFICE OF THE MAYOR,
Tucson, AZ, July 16, 1990.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR JOHN: Thank you for asking for the City of Tucson's comments on the proposed expansion of the Rincon Mountain unit of Saguaro National Monument. Our comments are as follows:

The proposal to expand the boundaries of the Rincon Mountain Unit of Saguaro National Monument, as delineated in the May 15 memo from the Boundary Review Working Group, is consistent with City plans and policies promoting open space and resource preservation. This coalition, comprised of representatives from National Parks and Conservation Association, The Wilderness Society, Sierra Club, The Conservation Foundation, Pima Trails Association and Doug Shakel, has proposed an "Enhanced Monument Boundary" and plans to pursue Congressional authorization to include this new addition.

The City's comprehensive General Plan, adopted in 1979, encourages the preservation of significant natural areas and promotes the establishment of federal managed wildlife preserves. Mayor and Council is currently considering an update to the Recreation Element of the General Plan which will include additional goals and policies promoting the preservation of natural resources and the expansion of the public preserves. Specifically, Open Space Policies under consideration in the Recreation Element which appear to have Mayor and Council support include the following:

II.A.: Encourage cooperation between local governments, state and federal agencies, private organizations and citizens to acquire, manage, conserve and protect natural open space resources.

II.C.: Generate public interest and support for open space preservation by emphasizing environmental, recreational and aesthetic values, including wildlife habitat, water conservation and flood control, visual relief and opportunity for contact with natural elements.

Mayor and Council have also recently demonstrated concern and appreciation for preservation of the resources by their adoption of the Environmental Resource Zone Ordinance on July 2, 1990. The purpose of this ordinance is to protect the remaining riparian areas along selected watercourses at the edges of the City which provide habitat for wildlife and buffer the preserves.

The coalition has drafted a proposal which is based on identification and scientific analysis of the botanical/ecological and archaeological attributes of the land area adjacent to the Monument. Consultation with pertinent property owners provided information regarding willingness to support the expansion and bring these resources under the protection of the National Park Service. This appears to be a commendable effort matching a resource inventory with acquisition potential.

Given the City's position of support for open space and natural resource preservation and the apparent soundness of the coalition's methodology, the City's support for the expansion of the Rincon Mountain Unit of Saguaro National Monument would be consistent with adopted plans.

Again, thank you for requesting comments from us. If you have any questions regarding the above information, please feel free to contact our office. Thank you.

Sincerely,

THOMAS J. VOLGY,
Mayor.

PIMA COUNTY BOARD OF SUPERVISORS,
Tucson, AZ, August 1, 1990.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Office Building,
Washington, DC.

DEAR JOHN: Please find enclosed a copy of the Pima County Board of Supervisors Resolution # 1990-118 endorsing the expansion of the Saguaro National Monument.

The Pima County Board of Supervisors wholeheartedly supports the expansion of the boundaries of the Saguaro National Monument to include this beautiful area which contains the richest stand of Saguaros I have ever seen in Arizona and John, you understand, Republicans will not lie. We would certainly love to have your support to accomplish the extra addition to the Saguaro National Monument.

In spite of what you read in the newspaper, our Board has been very active in obtaining pristine land and creeks which are so scarce in Arizona. We have added in the past week 25,820 total acres in the Cienega Creek area. Only 880 acres were purchased by the County, but BLM and Pima County have worked hand in hand in taking 75,000 acres of the Cienega and Empire Ranches out of the hands of developers and back into a natural preserve or conservation area, with a trail head and trails area going all the way to Sonoita. This purchase preserves riparian environment of the whole area and stopped the sand and gravel operation.

John, I hope you will give careful consideration to supporting the proposed expansion of the Saguaro National Monument efforts. Thank you for all your efforts on behalf of Southern Arizona.

Best regards,

REG T. MORRISON,
Chairman.

RESOLUTION 1990-118

A RESOLUTION OF PIMA COUNTY BOARD OF SUPERVISORS ENDORSING A PROPOSAL TO EXPAND THE BOUNDARIES OF THE SAGUARO NATIONAL MONUMENT

Whereas, a coalition of local and national environmental organizations has recommended the enlargement of the boundaries of the eastern unit of the Saguaro National Monument; and

Whereas, the Saguaro/Palo Verde habitat of the foothills of the Rincon Mountains bordering the southern side of the Monument is an exceptionally rich area of Sonoran Desert uplands; and

Whereas, the stand of saguaros inhabiting these foothills comprises a particuarly excellent, healthy, and multi-aged stand that is not only one of the finest in the region, but rivals or even exceeds the quality of stands presently featured within the Monument; and

Whereas, on June 5, 1990, the recommendation of the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society, the National Parks and Conservation Association, and local environmental activists to expand the Saguaro National Monument was transmitted to Arizona's Congressional delegation; and

Whereas, a number of Arizona's Congressional delegates have sought the views of the National Park Service concerning the propriety and wisdom of expanding the eastern unit of the Saguaro National Monument; and now, therefore, be it

Resolved, That the Board of Supervisors of Pima County, State of Arizona, hereby recommends the inclusion of the lands within the Enhanced Monument Boundary into the eastern unit of the Saguaro National Monument.

Be it further resolved, That the Clerk of the Board of Supervisors of Pima County be directed to immediately transmit this Resolution to the Director of the National Park Service and to Arizona's Congressional delegation.

Passed and adopted this 17th day of July, 1990, by the Pima County Board of Supervisors.●

By Mr. HELMS:

S. 3080. A bill to provide to the Federal Government and States the opportunity to acquire old military facilities for use as prisons to ensure that prisoners are not unnecessarily released early; to the Committee on Armed Services.

ACT TO ELIMINATE REVOLVING-DOOR PRISON TERMS FOR DRUG DEALERS AND OTHER CONVICTED CRIMINALS

Mr. HELMS. Mr. President, I am introducing today legislation to help in dealing with a crisis in the prison systems of America.

At both the Federal and State levels, prisons are bursting at the seams—Federal prisons are operating at 163 percent of capacity and State prisons are as high as 127 percent of capacity.

Because of prison overcrowding, and court orders, many States are releasing inmates who have served only a fraction of their sentences. This is like giving convicted criminals a "Get out of Jail Free Card" to go back to robbing, raping, and killing innocent Americans. The bottom line is that prison overcrowding is putting criminals back on the street, thereby increasing crime.

Mr. President, there is a desperate need to increase prison capacity. Ways must be found to deal with the prison crisis. It is imperative that there be a return to a policy of protecting society and innocent Americans. In order to protect society, we desperately need to increase prison capacity both at the Federal and State levels.

My bill will help the Federal Government and the States increase prison capacity by giving them the first shot at some of the bases that are scheduled to be closed under the Base Closure Act.

My bill also will make available to the States 20 pieces of surplus Federal property for use as prisons. Furthermore, the bill authorizes the use of tent camps at these former military bases and other prison facilities, on a temporary basis. If tents are good enough for our soldiers, then surely they are adequate for criminals. I think it is time to stop pampering criminals.

Lastly, Mr. President, the bill requires the Director of the Bureau of Prisons to cut costs by eliminating luxuries such as color television, pool tables, and cable television.

Using former military bases, surplus Federal property, and tent camps provides three cost-efficient ways to increase prison capacity and keep criminals in jail—where they belong—instead of back out on the streets robbing and killing people.

Mr. President, if Senators doubt that there is a crisis, they need only to

look at the facts relating to prisons and the cost of crime to society. First, let's look at the status of prison overcrowding. Just a few weeks ago, the Department of Justice reported that the Federal prison population reached 52,984, whereas the capacity of Federal prisons is only 32,494. As I stated earlier, this is 163 percent of their capacity. The State prison population hit 650,703 last June, which is 126 percent of their capacity.

Furthermore, the prison overcrowding problem will only get worse as we crack down on drug dealers and drug users. The Bureau of Prisons projects the Federal prison population will exceed 95,000 by 1995. This past year Congress recognized the need for more prisons and we appropriated $1.5 billion for prison construction. This will help increase capacity by 36,000 beds. But the Federal system—under the most optimistic projections—will still be 130 percent over capacity.

Mr. President, the States also are having a difficult time keeping up with the explosion in the number of prisoners they must incarcerate. The State prison population has increased by over 113 percent since 1980. As a result, in 41 States, the entire prison system or a portion thereof is under court order to reduce overcrowding.

One way States deal with overcrowding is to release prisoners before they have served their full sentence. Nationwide, the average murderer is sentenced to 17 years in jail, but he is out within 5 years and 9 months. In my home State of North Carolina, the typical criminal serves only 29 percent of a sentence for a serious crime and 14 percent for a misdemeanor.

The North Carolina Parole Commission paroled 19,000 prisoners in 1989, which is a 250-percent increase over 1985. Just this past January, the State paroled and released 17 murderers, 23 armed robbers, 23 child molesters, 126 burglars, and 128 drug offenders. And the story is the same in dozens of other States across the country. This is outrageous, we are putting living time bombs back out on the street.

Mr. President, what is the effect of releasing prisoners early? In addition to contradicting justice, it also violates the principle that prison is a deterrent to future crime. The National Institute of Justice found that 62.5 percent of released prisoners were rearrested within 3 years. The thought of going back to prison does not stop 62.5 percent of criminals from committing more crimes once they get out, because they assume they will gain early release again.

A North Carolina official, Secretary Joe Dean, recently gave a good example of how jail time appears to have lost its deterrent effect. He stated that prisoners now refuse even to consider alternatives to jail time, such as electronic monitoring or supervised probation, because they know that if they go to prison, they will be on the street again in a few months.

The Secretary of Corrections in North Carolina, Aaron Johnson explained that because of the cap on prison population, every time a new prisoner comes in the front door, they must let another prisoner out the back door. As Secretary Johnson says "The public demands more * * * than revolving door justice."

Mr. President, this brings us to the second aspect of the prison crisis: the cost to society. The National Institute of Justice and the Rand Corp., conducted a study of crimes committed by prisoners in three States. The study found that the average criminal committed between 187 and 287 crimes per year at an annual cost of $430,000.

This figure dwarfs the average cost of $50,000 to build one new prison bed space. Thus, according to this study, keeping a criminal in jail saves society $380,000 per year. Even if you cut the Rand study's cost estimate in half, $215,000 per year in cost to society is still four times the cost of building one prison bed space.

One final point: A Bureau of Justice statistics study found that 28 percent of crimes committed would have been avoided if prisoners had served the full length of their sentences. That adds up to hundreds of lives and millions of dollars that could have been saved by keeping criminals in jail.

Mr. President, the bill I am introducing will help increase prison capacity at the Federal and State levels in several ways. First, it gives the Attorney General and the States priority to obtain some of the military bases that are being closed. Under current law, the Attorney General must wait in line with all other Federal agencies. The States are even lower on the totem pole.

In 1988, Congress set up a Commission on Alternative Utilization of Military Facilities to determine which bases could be converted into prisons. However, the Commission cannot ensure that the Attorney General or the States will get the first shot at any of the former bases. The Attorney General could still be preempted by other agencies, including the Defense Department. And under current law, the States have no input into the Commission process. My bill will ensure that the States have a fair chance to gain access to former military bases.

Mr. President, lest anyone be concerned that this amendment would force any State to put a prison on the old bases being closed in that State, the bill merely gives the states the first shot at the former bases if the State determines that it wants to put a prison in that facility. Furthermore, before the base is transferred to a State, the Secretary of Defense must review and consider any alternative plan that the local government may have for the property. This ensures the local governments will have input into the process.

Second, the bill requires the General Services Administration [GSA] to compile a list of 20 pieces of surplus Federal property that could be used by the States as prisons. This will be particulary useful to those States where there are no military bases being closed.

It is just common sense to convert at least some former military bases, and some surplus Federal property into prisons. It will cost a lot less than building new prisons. The cost could be as low as $4,000 per bed compared to the per bed cost of $40,000 to $100,000 for new prisons. The Federal Bureau of Prisons states in its 1988 report that using former military bases is the most cost efficient method to obtain more space to house minimum security offenders.

President Bush endorsed the idea of using former military bases as prisons in his first drug strategy proposal.

Mr. President, the third aspect of the bill authorizes the Federal Bureau of Prisons and the States to set up tent camps, on a temporary basis, at these former military bases or any other prison facility. It seems logical that we should do everything possible to avoid the early release of prisoners because of prison overcrowding.

If tent camps are needed to keep prisoners locked up, thereby protecting society, we should do so.

Mr. President, we can no longer tolerate a prison system that gives prisoners "Get out of Jail Free" cards merely because of prison overcrowding. The facts show that releasing prisoners early is more costly to society than building more prison space.

It is abundantly clear that we must expand prison capacity. The use of former military bases, Federal surplus property, and tent housing is a cost-efficient method of dealing with the prison crisis and thereby protecting society to a far greater extent than is now the case.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. KENNEDY, Mr. RIEGLE, Mr. DODD, Mr. BRADLEY, Mr. JEFFORDS, Ms. MIKULSKI, Mr. SIMON, Mr. ADAMS, and Mr. PELL):

S. 3081. An act to amend title XIX of the Social Security Act to provide better health protection for mothers and children, and for other purposes; to the Committee on Finance.

BETTER HEALTH PROTECTION FOR MOTHERS AND CHILDREN ACT

Mr. ROCKEFELLER. Mr. President, today I am introducing a bill to respond to the urgent health care needs of millions of America's pregnant

women and children. I am especially proud to be joined by Senator HATCH, Senator KENNEDY, and Senator RIEGLE as the other prime sponsors of this legislation, and to have the active support and cosponsorship of Senators DODD, BRADLEY, JEFFORDS, MIKULSKI, SIMON, ADAMS, and PELL.

Our bill, the Better Health Protection for Mothers and Children Act of 1990, will both expand and improve health care coverage for close to 1½ million low-income children and adolescents. We are also proposing other crucial steps to sustain health care protection for the more than 12 million children currently eligible for Medicaid and to promote accessible, cost-efficient, and effective health care for low-income pregnant women.

Mr. President, we are making a loud and strong plea with this legislation. We believe that immediate action is absolutely essential to secure the future of our youngest generation. America has a moral and economic imperative to ensure that its children are born healthy and grow up with access to basic, decent medical care.

I fully recognize the skepticism that pervades the Halls of Congress and the administration when it comes to initiatives like ours that call for additional Federal spending. But we must realize that the cost of inaction is far greater. For every dollar we spend on prenatal care, three or more times that is saved by avoiding the trauma and financial costs of premature births and other debilitating and lifelong consequences.

My optimism about the potential for passing this bill is based on the nature and level of support for our proposal. In letter after letter of support from major business, health care, and childrens' organizations, a common message is abundantly loud and clear. The consensus is that today—right now—we must act to guarantee health care coverage for every pregnant woman and child in America. I will submit all of these statements for the RECORD to demonstrate this support. Our allies include the National Association of Manufacturers, the Chamber of Commerce, Children's Defense Fund, the American Academy of Pediatrics, and the American Hospital Association.

It is time for America to be a nation that cares for its children. We once had the third-lowest infant mortality rate in the world. We now rank 22d, behind countries such as Singapore and Spain. Every week in America, close to 5,000 babies are born with low birthweights. These are the babies likely to face lives of serious illness, developmental disorders, and lifelong handicapping conditions. The point is that we can prevent most of these tragedies, and the financial costs that follow, through prenatal care and proper medical care for children once they are born.

When it comes to health care spending, America puts children at the end of the line. More than 15 percent of America's young—that is, over 12 million children under the age of 18—have no health insurance, either public or private. In my State of West Virginia, close to 100,000 children are uninsured. My State is doing everything it can to respond to this crisis, but we simply don't have the resources to fill in all the gaps. This is a national crisis. Medicaid covers less than half of the Nation's poor. Eligibility for school aged children remains tied to AFDC eligibility, which is set by the States and is as low as 16 percent of the Federal poverty level. That is a disgrace that must end.

We know that in addition to the pain and suffering that lack of health care causes, the cost to the country immediately and in the long term of not providing these services is higher than the cost of preventing them. We know that for every $1 spent on quality prenatal care, more than $3 can be saved by reducing the number of low birthweight babies. We know that children who receive comprehensive primary and preventative health care under Medicaid have annual health costs 7 percent less than children who do not. They are also hospitalized less frequently. In the last 12 years, the United States spent about $2.5 billion in first-year costs alone to care for 330,000 low birthweight babies—that same amount of money could have paid for 10 times as many women to get prenatal care or 12 times as many children to get comprehensive care.

In addition to not covering millions of poor people, Medicaid fails people by not adequately reimbursing providers. Payments to hospitals and doctors are so woefully inadequate that access to decent care is compromised. The result is that even when eligibility to Medicaid is assured, access to the doctor is not. Few available providers means that patients must wait weeks before getting an appointment, often delaying receipt of prenatal care until the second or third trimester, if at all. They must often travel long distances to clinics and wait for hours in crowded conditions to see a doctor or nurse. High-risk patients must go to several locations in order to receive the complex array of services they needed.

We must fill in the gaps and build a decent health care system for poor pregnant women and children. That is the purpose of our bill, the Better Health Protection for Mothers and Children Act. We address cost, quality, and access. Our bill would guarantee Medicaid coverage for all children in families with income below 100 percent of the poverty level. For example, over 3,000 of West Virginia's uninsured children would gain immediate health care coverage and protection.

Our bill would extend coverage to 1.4 million children in the first year. We also ensure enrollment in Medicaid for at least 1 year so that children can get continuous care and are not subject to arbitrary cutoffs triggered by the rules of other assistance programs.

Through our bill, Medicaid payments to doctors and hospitals would be, over time, shifted to a consistent, national standard, first for services to pregnant women, then for children. This will make sure that pregnant women and children are receiving first tier health care and reduce cost shifting.

Costs and quality would be addressed by initiating special demonstration projects to promote cost-effective care. And the Agency for Health Care Policy and Research is directed to develop clinical practice gudelines for services for high-risk pregnant women.

Because of the severity of the health care emergency facing mothers and children, these reforms would be financed by the Federal Government initially, with the States gradually contributing their share of the costs by 1997. To offset any deficit impact, the Federal excise tax on cigarettes would be raised from 16 to 32 cents.

There are sound health policy reasons for raising the cigarette tax. Higher excise taxes on cigarettes have been shown to be an effective deterrent in the purchase of tobacco products, particularly on children and youth. Virtually all people who smoke today started doing so before the age of 20. Today 6 million teenagers and another 100,000 children under the age of 13 smoke.

Also, as Secretary Sullivan recently testified, the "danger of smoking is real—smoking doubles the risk that a baby will die—and it is pervasive—there are around 900,000 infants born each year to smoking mothers * * * one-quarter of all low birthweight babies are attributable to smoking during pregnancy. * * *"

We know the tragic and costly effects of the gaps in today's health care system on millions of America's pregnant women and children. We also know how to prevent many of these problems and give a decent start and real hope to our children through proper prenatal and health care. Again, I say let us do what is right and what is vital to the Nation's future.

The status quo is unacceptable. It is not acceptable to Senators HATCH and KENNEDY and the other Senators who are cosponsoring this legislation—nor is it to the many distinguished organizations supporting the bill. The American people want their President and elected officials to provide leadership that responds to our country's health care crisis. I believe they would want us to make our first and foremost pri-

ority the health care needs of pregnant women and children. My hope is that this bill will gain the strong support from the President and the Congress that it deserves. I urge all of my colleagues to join us in taking this action immediately to assure basic minimum protection for those who need it the most.

Mr. President, I ask unanimous consent that my statement appear in the RECORD in its entirely, along with the other statements being submitted by the bill's cosponsors. I further ask unanimous consent that a summary of the bill, the bill itself, and letters of support be printed in a place immediately following my statement and the other Senators' statements.

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

S. 3081

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 "Better Health Protection for Mothers and Children Act of 1990".

SEC. 2. NATIONAL STANDARDS FOR MEDICAID ELIGIBLITY FOR CHILDREN.

(a) COVERAGE OF ALL CHILDREN THROUGH AGE 18 WITH FAMILY INCOMES BELOW THE POVERTY LINE.—

(1) IN GENERAL.—Section 1902(1) of the Social Security Act (42 U.S.C. 1396a(1)) is amended—

(A) in paragraph (1)—

(i) by adding "and" at the end of subparagraph (B),

(ii) by amending subparagraph (C) of paragraph (1) to read as follows:

"(C)(i) children who have attained one year of age but have not attained 6 years of age, and (ii) children who have attained 6 years of age and have not attained 19 years of age,", and

(iii) by striking subparagraph (D);

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting "clause (i) or (ii) or" before "subparagraph (C)",

(ii) in subparagraph (B), by inserting "or 100 percent, respectively," after "133 percent", and

(iii) by striking subparagraph (C); and

(C) in paragraph (3), by striking ", (a)(10)(A)(i)(VI), or (a)(10)(A)(ii)(IX)" and inserting "or (a)(10)(A)(i)(VI)".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(10)(A)(ii) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended by striking subclause (IX).

(B) Section 1902(a)(10) of such Act is further amended, in the subdivision (VII) following subparagraph (E), by striking "or (A)(ii)(IX)".

(C) Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(i) in subsection (f)(4), by striking "1902(a)(10)(A)(ii)(IX),", and

(ii) in subsection (i)(9), by striking "and children described in section 1902(a)(10)(A)(ii)(IX)".

(D) Section 1916(c)(1) of such Act (42 U.S.C. 1396o(c)(1)) is amended by striking "1902(a)(10)(A)(ii)(IX)" and inserting "1902(a)(10)(A)(i)(IV)".

(E) Section 1925 of such Act (42 U.S.C. 1396r-6) is amended, in subsection (a)(3)(C) and (b)(3)(C)(i), by striking "(i)(VI), or (ii)(IX)" and inserting "or (i)(VI)".

(b) ELIMINATION OF RESOURCE TEST.—Section 1902(1)(3) of such Act is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) no resource standard or methodology shall be applied;",

(2) by striking subparagraphs (B) and (C), and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(b) ASSURING CONTINUITY OF SERVICES.—Section 1902(e)(7) of such Act (42 U.S.C. 1396a(e)(7)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(2) by inserting "(A)" after "(7)", and

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

"(B) In the case of an infant or child described in subparagraph (B) or (C) of subsection (l)(1) or paragraph (2) of section 1905(n) who is eligible for, and has applied for, and has received medical assistance under the plan, but who, because of a change in the income of the family of which the infant or child is a member, would not otherwise continue to be described in such respective subparagraph, the State plan shall nonetheless treat the infant or child as continuing to be described in such subparagraph without regard to the change of income at least through the end of the 12th consecutive month beginning with the first month (in a continuous period of months) in which the infant or child met the requirements of the respective section.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1991, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 3. NATIONAL STANDARDS FOR PAYMENT RATES FOR OBSTETRICAL AND PEDIATRIC SERVICES.

(a) IN GENERAL.—Section 1926 of the Social Security Act (42 U.S.C. 1396r-7) is amended—

(1) In subsection (a)—

(A) in paragraphs (1) and (2), by inserting "(which payment rates are not less than the minimum payment rates specified under subsection(c))" after "in the succeeding period" each place in appears,

(B) in paragraph (4)(A), by striking "and does not include inpatient or" and inserting "or provided as inpatient hospital services and does not include",

(C) in paragraph (4)(B), by striking "and does not include inpatient or" and inserting "and includes inpatient hospital services for such children and does not include", and

(D) in paragraph (4)(B), by striking "18 years of age" and inserting "19 years of age";

(2) in subsection (b), by inserting "(1)" after "(b)";

(3) by redesignating subsections (c) and (d) as paragraphs (2) and (3), respectively;

(4) by adding at the end the following:

"(c)(1)(A) The Secretary shall develop a payment methodology for payment for obstetrical and pediatric inpatient hospital services of subsection (d) hospitals and children's hospitals under this title, based on the methodology used for computing payment under title XVIII for inpatient hospital services of subsection (d) hospitals (including payment for costs other than operating costs of inpatient hospital services).

"(B) In this subsection:

"(i) The term 'subsection (d) hospital' has the meaning given such term in section 1886(d)(1)(B).

"(ii) The term 'children's hospital' means a hospital described in section 1886(d)(1)(B)(iii).

"(iii) The terms 'obsterical inpatient hospital services' and 'pediatric inpatient hospital services' means inpatient hospital services that relate to treatment of pregnancy or children under 19 years of age, respectively.

"(2)(A) Such methodology shall be developed in consultation with the Prospective Payment Assessment Commission and shall be based on data on the costs of inpatient hospital services of subsection (d) hospitals and of children's hospitals under this title as the basis for the computation of weighting factors for diagnosis-related groups of hospital discharges and for the parameters to be used in establishing outlier payments described in section 1886(d)(5)(A).

"(B) Such methodology shall use the average standardized amounts computed under section 1886(d).

"(3) In applying this methodology, the Secretary shall adjust payment of the disproportionate share amounts (described in section 1886(d)(5)(F)) to reflect the special rules described in section 1923 and the Secretary shall not take into account deductibles or coinsurance or limitations on amount, duration, or scope of services that may be imposed under this title or title XVIII.

"(4)(A) Subject to subsection (e), each State plan under this title shall provide for payment for inpatient hospital services of subsection (d) hospitals and of children's hospitals relating to obstetrical services, for discharges occurring on or after October 1, 1991, at rates that are not less than the rates of payment established under the methodology developed under this subsection.

"(B) Subject to subsection (e), each State plan under this title shall provide for payment for inpatient hospital services for infants under 1 year of age, for discharges occurring on or after October 1, 1992, at rates that are not less than the rates of payment established under the methodology developed under this subsection.

"(d)(1) The Secretary shall develop a payment methodology for payment for obstetrical services and pediatric services based on the methodology used for payment for physicians' services under section 1848.

"(2) Such methodology shall be developed in consultation with the Physician Payment Review Commission, shall be based on conversion factors established under section 1848(d), and shall consider providing for establishment of a global fee for pre-natal, delivery, and post-natal care associated with routine pregnancies.

"(3)(A) Subject to subsection (e), each State plan under this title shall provide for payment, for obstetrical services furnished on or after October 1, 1991, at rates that are not less than the rates of payment established under the methodology developed under this subsection.

"(B) Subject to subsection (e), each State plan under this title shall provide for payment for pediatric services for infants under 1 year of age furnished on or after October 1, 1992, at rates that are not less than the rates of payment established under the methodology developed under this subsection.

"(e)(1) The Secretary shall estimate, in June of each year (beginning with 1991) and in consultation with the Secretary of the Treasury—

"(A) the additional Federal revenues (as defined in paragraph (3)(A)) in the next fiscal year,

"(B) the other additional projected Federal expenditures (as defined in paragraph (3)(B)) in the next fiscal year,

"(C) the additional obstetrical expenditures (as defined in paragraph (3)(C)) in the next fiscal year, and

"(D) the additional pediatric expenditures 4 (as defined in paragraph (3)(D)) in the next fiscal year.

The Secretary, by not later than July 1 of each year (beginning with 1991), shall submit to Congress a report on such estimates and on the effect of such estimates, under paragraph (2), on the application of subsections (c) and (d) in the following fiscal year.

"(2) If the Secretary estimates, under paragraph (1) for a fiscal year, that—

"(A) the additional Federal revenues is less than the other additional projected Federal expenditures, subsections (c) and (d) shall not apply in the fiscal year;

"(B) the additional Federal revenues exceeds the other additional projected Federal expenditures, but does not exceed the sum of such other expenditures and the additional obstetrical expenditures—

"(i) subsections (c)(4)(B) and (d)(3)(B) shall not apply in the fiscal year, and

"(ii) in applying subsections (c)(4)(A) and (d)(3)(A), the minimum payment amount required shall be reduced pro rata by such proportion as the Secretary determines to be necessary so that the sum of the other additional projected Federal expenditures and the additional obstetrical expenditures (taking into account such proration) equals the additional Federal revenues;

"(C) the additional Federal revenues exceeds the sum of the other additional projected Federal expenditures and the additional obstetrical expenditures, but does not exceed the sum of such expenditures and the additional pediatric expenditures—

"(i) this subsection shall not reduce the minimum payment amounts required under subsections (c)(4)(A) or (d)(3)(A), and

"(ii) in applying subsections (c)(4)(B) and (d)(3)(B), the minimum payment amount required shall be reduced pro rata by such proportion as the Secretary determines to be necessary so that the sum of the other additional projected Federal expenditures, the additional obstetrical expenditures, and the additional pediatric expenditures (taking into account such proration) equals the additional Federal revenues; or

"(D) the additional Federal revenues exceeds the sum of the other additional projected Federal expenditures, the additional obstetrical expenditures, and the additional pediatric expenditures, this subsection shall not reduce the minimum payment amounts required under subsections (c)(4) or (d)(3).

"(3) In this subsection:

"(A) The term 'additional Federal revenues' means, with respect to a fiscal year, the net amount of revenues likely to be received in the Treasury in the fiscal year as a result of the amendments made by section 5 of the Better Health Protection for Mothers and Children Act of 1990, increased by the amounts by which the additional Federal revenues for any previous fiscal year exceeded the sum of the total amount of additional Federal expenditures made under this title in that previous fiscal year as a result of the amendments made by such Act and decreased by the amounts by which such revenues for any previous fiscal year was less than such sum in that previous fiscal year.

"(B) The term 'other additional projected Federal expenditures' means, with respect to a fiscal year, the total amount of the additional Federal expenditures to be made under this title in the next fiscal year as a result of the amendments made by the Better Health Protection for Mothers and Children Act of 1990, if subsections (c) and (d) did not apply.

"(C) The term 'additional obstetrical expenditures' means, with respect to a fiscal year, the amount by which the total Federal expenditures to be made under this title is increased is increased solely as a result of the application of subsections (c)(4)(A) and (d)(3)(A) (without regard to this subsection).

"(D) The term 'additional pediatric expenditures' means, with respect to a fiscal year, the amount by which the total Federal expenditures to be made under this title is increased is increased solely as a result of the application of subsections (c)(4)(B) and (d)(3)(B) (without regard to this subsection).

"(4) Subsections (c) and (d) shall not apply to States other than the 50 States and the District of Columbia.".

SEC. 4. INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) TEMPORARY INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) is amended—

(1) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively, and

(2) by striking "The term" and inserting "Subject to paragraph (2), the term", and

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

"(2)(A) In the case of medical assistance described in subparagraph (B) or (C), for purposes of section 1903(a)(1) the Federal medical assistance percentage for one of the 50 States or the District of Columbia—

"(i) for calendar quarters in 1991, 1992, and 1993, shall be 100 percent,

"(ii) for calendar quarters in 1994, shall be 75 percent plus ¼ of the Federal medical assistance percentage otherwise determined under paragraph (1),

"(iii) for calendar quarters in 1995, shall be 50 percent plus ½ of the Federal medical assistance percentage otherwise determined under paragraph (1),

"(iv) for calendar quarters in 1996, shall be 25 percent plus ¾ of the Federal medical assistance percentage otherwise determined under paragraph (1), and

"(v) for calendar quarters after 1996, shall be the Federal medical assistance percentage otherwise determined under paragraph (1).

"(B)(i) Subject to clause (ii), medical assistance described in this subparagraph is medical assistance furnished to individuals described in section 1902(l) who are eligible for such assistance only because of the amendments made by the Better Health Protection for Mothers and Children Act of 1990, and including medical assistance for individuals—

"(I) who are older than 7 years of age,

"(II) who are eligible because of the repeal of the application of any resource standard, or

"(III) who continue eligibility for such assistance under section 1902(e)(7)(B) (as so amended).

(ii) Clause (i) shall not apply to medical assistance furnished to a child who was described in section 1902(l)(1)(D) (as such section was in effect before the date enactment of the Better Health Protection for Mothers and Children Act of 1990) to the extent the child would have been eligible for such medical assistance under the State plan (as such plan was in effect as of such date, taking into account any legislation enacted as of such date to authorize or appropriate funds to provide for such eligibility as of some future date).

"(C)(i) Subject to clause (ii), medical assistance described in this subparagraph is the sum of—

"(I) the difference between the amount of medical assistance made available under the plan for services described in subdivision (VII) of section 1902(a)(10) and the amount of such medical assistance that would have been made available under the State plan as in effect as of the date of the enactment of this paragraph, and

"(II) the difference between the amount of medical assistance made available under the plan for services described in subdivision (VII) of section 1902(a)(10) and the amount of such medical assistance that would have been made available under the State plan as in effect as of the date of the enactment of this paragraph.

"(ii) Clause (i) shall not include any medical assistance described in subparagraph (B).".

SEC. 5. FINANCING THROUGH INCREASE IN EXCISE TAX ON CIGARETTES.

(a) IN GENERAL.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(1) by striking "$8" in paragraph (1) and inserting "$16", and

(2) by striking "$16.80" in paragraph (2) and inserting "$33.60".

(b) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before January 1, 1991, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $8 per thousand.

(B) LARGE CIGARETTES.—On cigarettes weighing more than 3 pounds per thousand, $16.80 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on January 1, 1991, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed by section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 14, 1991, in the same manner as the tax imposed by such section is payable with respect to cigarettes removed on or after January 1, 1991.

(C) TREATMENT OF CIGARETTES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) or any other provision of law, cigarettes which are located in a foreign trade zone on Janu-

ary 1, 1991, shall be subject to the tax imposed by paragraph (1) and shall be treated for purposes of this subsection as held on such date for sale if—

(i) internal revenue taxes have been determined, or customs duties liquidated, with respect to such cigarettes before such date pursuant to a request made under the first proviso of section 3(a) of such Act, or (ii) such cigarettes are held on such date under the supervision of a customs officer pursuant to the second proviso of such section 3(a).

Under regulations prescribed by the Secretary of the Treasury or his delegate, provisions similar to sections 5706 and 5708 of such Code shall apply to cigarettes with respect to which tax is imposed by paragraph (1) by reason of this subparagraph.

(3) CIGARETTE.—For purposes of this subsection, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of such Code.

(4) EXCEPTION FOR RETAILERS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on January 1, 1991, at the place where intended to be sold at retail.

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply in respect of the taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 5701.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to cigarettes removed after December 31, 1990.

SEC. 6. DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to allow States to develop and carry out innovative programs to test initiatives to promote cost-effective delivery of quality services to pregnant women and children under 19 years of age, the Secretary of Health and Human Services shall enter into agreements with several States for the purpose of conducting demonstration projects to study the effect of alternative strategies may include (1) developing programs for selective contracting with providers in a community, with financial incentives for the delivery of high quality, cost-effective, managed care, (2) using nonphysician providers in delivery care and complementary services (such as education and support services), and (3) using case management techniques to coordinate the provision of medical, social, and support services for pregnant women.

(b) WAIVER OF REQUIREMENTS.—The Secretary where he deems appropriate may waive the requirements of—

(1) section 1902(a)(1) of the Social Security Act (relating to statewideness), and

(2) section 1902(a)(23) of such Act (relating to freedom of choice), but only if there are assurances, satisfactory to the Secretary, that any restrictions on the provider from whom an individual may obtain medicare care shall not apply in emergency circumstances and does not substantially impair access to such services of adequate quality where medically necessary.

(c) APPLICATION.—No agreement shall be entered into under this section with a State unless the State submits an application to the Secretary. Such application shall be in such form and contain such information as the Secretary may specify.

(d) DURATION.—Each demonstration project under this section shall be conducted for a period of not to exceed 3 years.

(e) LIMIT ON EXPENDITURES.—The Secretary in conducting demonstration projects under this section shall limit the amount of the Federal share of benefits paid and expenses incurred under title XIX of the Social Security Act to $10,000,000 in each of fiscal years 1991, 1992, and 1993.

(f) EVALUATION AND REPORT.—

(1) For each demonstration project conducted under this section, the Secretary shall assure that an evaluation is conducted on the effect of the project with respect to—

(A) access to health care,

(B) costs of health care, and

(C) the quality and comprehensiveness of the care delivered.

(2) The Secretary shall submit to Congress an interim report containing a summary of the evaluations conducted under paragraph (1) not later than January 1, 1993, and a final report containing such summary together with such further recommendations as the Secretary may determine appropriate not later than January 1, 1995.

BETTER HEALTH PROTECTION FOR MOTHERS AND CHILDREN ACT OF 1990, SENATORS ROCKEFELLER, HATCH, KENNEDY, AND RIEGLE

I. SETTING NATIONAL MEDICAID ELIGIBILITY STANDARDS FOR CHILDREN

All children through age 18 with family incomes below 100% of the Federal poverty level shall be eligible for health insurance coverage through the Medicaid program.

Assets tests shall be eliminated for pregnant women and children.

Enrollment for children shall be for a period of a minimum of one year.

Effective date: January 1, 1991.

II. SETTING NATIONAL STANDARDS FOR MEDICAID PAYMENTS TO PROVIDERS

National standards for payments for obstetric and pediatric services that will assure access, promote quality, reduce incentives for cost shifting and slow inflationary trends will be developed and implemented to the extent funds allow.

Improvements in Physician and Alternative provider payments: The Secretary shall in consultation with the Physician Payment Review Commission develop a methodology for payments to providers of obstetric and pediatric services consistent with Medicare principles and shall consider establishing a global fee for prenatal and delivery services.

Improvements in Hospital Payments: The Secretary shall in consultation with the Prospective Payment Assessment Commission develop DRG's for obstetric and pediatric care.

The improved reimbursement rates for obstetric services shall be implemented by October 1, 1991.

The improved reimbursement rates for pediatric services for children under one year of age shall be implemented by October 1, 1992.

The Secretary shall determine each July 1 (beginning in 1991) if the revenues collected allows the implementation of the above improvements. If the revenues collected by the provisions of this Act are insufficient to cover all the rate improvements the Secretary shall make improvements in the following order:

Partial implementation of improved rates for obstetric services

Full implementation of improved rates for obstetric services

Partial implementation of improved rates for pediatric services for children under one.

Full implementation of improved rates for pediatric services for children under one.

III. IMPROVING THE QUALITY AND COST EFFECTIVENESS OF CARE

In developing the Medicaid payment standards for services to pregnant women and children, the Secretary is directed to conduct demonstrations (in addition to those authorized in OBRA 1989) that promote quality and cost effective use of services. Specifically, the Secretary shall approve demonstrations that:

Develop programs for contracting with providers in a community, tying financial incentives to the delivery of high quality, cost effective managed care,

Use non-physician providers in delivering care and family planning and parenting education to pregnant women and children (i.e. mid-wives, nurse practitioners, physician assistants, etc.)

Use case management techniques to coordinate the provision of medical, social, and support services for pregnant women.

The Agency for Health Care Policy and Research is directed to develop outcomes measures and practice parameters for services for pregnant women. The AHCPR also is directed to advise the Secretary on incorporation of such guidelines and outcomes measures in Medicaid utilization review.

IV. FINANCING OF EXPANDED ELIGIBILITY AND PAYMENT REFORMS

Due to the urgent need for these improvements, State matching payments will be suspended for a period of time and the initial cost of the provisions in this Act shall be fully federally financed.

After 1994, the additional esxpense attributable to these expansions and improvements shall be shared by Federal and State governments in gradually increasing amounts. By 1997, the existing Federal/State Medicaid matching rate shall be restored.

V. DEFICIT OFFSET

The Federal excise tax on cigarettes shall be increased from 16 cents to 32 cents per pack. Improvements under this Act shall be tailored so that the cost does not exceed the revenue from this source ($2.8 billion in fiscal 1991, $13.5 billion over 5 years).

Note: A deficit offset does not imply a dedicated revenue source or establishment of a new trust fund. Medicaid remains a general revenue-financed program.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, September 18, 1990.

Hon. JAY ROCKEFELLER,
Hart Senate Office Building, Washington, DC.

DEAR JAY: Your actions serve to underscore the old adage that where there's a will, there's a way! Your bill, "Better Health Promotion for Mothers and Children Act of 1990," with its bipartisan co-sponsorship, clearly asserts a prominent place for children in the competition for scarce budget allocations.

As a necessary short-term approach to assuring better health care for mothers and children, this legislation makes long overdue modifications to the medicaid program. For the medicaid program to live up to its promise, there must be participation by competent physicians, and particularly by pediatricians, since half of all recipients are children.

We look forward to working with you on this initiative and others as we continue our quest to assure that all children and pregnant women have access to quality, comprehensive health care.

Sincerely yours,

BIRT HARVEY, M.D.,
President.

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
September 18, 1990.

Hon. JAY ROCKEFELLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the American College of Obstetricians and Gynecologists, an organization representing more than 29,000 physicians specializing in the delivery of health care to women, I would like to commend you and your Senate colleagues for introducing the Better Health Protection for Mothers and Children Act of 1990.

We are pleased to see strong interest in expanding eligibility, eliminating resource tests, assuring continuity of services, and increasing reimbursement rates for obstetric services. These are issues that the College has long had an interest in addressing as a means of assuring greater access to needed health care services. We would also like to voice our strong support for raising the excise tax on cigarettes with a corresponding dedication of revenue to expanding care for pregnant women, infants, and children.

While we support the general direction of the legislation, ACOG has many concerns about use of the resource-based relative value scale (RBRVS) to set Medicaid obstetric fees. In determining whether this system would work for Medicaid, we must look at the Medicare RBRVS for a model. Although we have not been able to analyze the fee schedule for obstetric services since information on vaginal deliveries was not included, we have identified the method for incorporating professional liability costs as being inadequate. If this method is not modified significantly prior to Medicare implementation, it will encourage more obstetrician-gynecologists to give up their obstetric practices. And if such a system were adopted for Medicaid, it would discourage obstetrician-gynecologists from accepting Medicaid patients. We are not rejecting the possibility that a resource-based relative value scale could be developed for obstetric care, but only that one cannot fine tune the Medicare RBRVS for use in Medicaid and expect the result to be increased access to obstetric care.

In sum, we are greatly encouraged to see interest in increasing access to obstetric and pediatric care services, but we must also make clear our concerns about development of the payment system. We stand ready to assist you in any way we can.

Sincerely,

HAROLD A. KAMINETZKY, M.D.,
Director—Practice Activities.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, September 17, 1990.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: Thank you for sharing with us a description of the proposal that you and Senators Hatch, Kennedy and Riegle are drafting to address the problem of access to health care for children and pregnant women through the Medicaid program. We are interested in your proposal and look forward to working with you on it.

As you know, the American Hospital Association is a strong advocate of Medicaid reform, and has been working hard at the federal and state levels to improve eligibility, coverage, and reimbursement levels, particularly for the poorest and most vulnerable populations. Like many other organizations, we currently are engaged in an industry-wide effort to look at overall national reform in the health care system. But we realize the need for incremental changes to address the continuing needs of children and pregnant women.

We particularly applaud three aspects of your proposal:

Children in families with income up to 100 percent of the federal poverty level would be covered up to focused, for good and obvious reasons, on younger children and pregnant women. As a result, however, they have neglected the critical needs of adolescents.

The minimum enrollment period would be one year. This new provision would assure continuity of coverage for children who move back and forth in and out of poverty over the course of a year. It would also provide a transitional period of coverage for children in families with more permanent increases in income. Finally, this provision is necessary to achieve the initiative's overall goal of increasing managed care.

The federal government would assume responsibility for funding expanded eligibility and payment reform until 1994, when the Federal/State matching program would be reinstated over a period of three years. We believe the Federal government should assume greater financial responsibility for financing health care for the poor, and this proposal would provide very necessary relief for states. States are stretched to the limit to fund the existing program, and many are attempting to balance the Medicaid budget by further cutting provider reimbursement—a strategy that yields reduced access for beneficiaries, growing financial shortfalls for hospitals, and increasing lawsuits for states.

In terms of financing, we believe that a cigarette tax is an appropriate source of financing health care, although we are concerned that such a funding source may not be broad or stable enough to support the extensive reforms envisioned in the proposal. This is particularly worrisome in light of your statement that "improvements . . . shall be tailored so that the cost does not exceed the revenue." We would urge you to find additional sources of revenue to implement these provisions, and to be more explicit about how the improvements would be tailored if the anticipated funding does not materialize.

We also sympathize with the proposal's stated objectives of assuring access, promoting quality, reducing incentives for cost shifting and slowing inflationary trends. We were particularly pleased to see an explicit statement that first priority should be given to improved reimbursement for inpatient and outpatient services for pregnant women and children. As you know, however, achieving all of these goals simultaneously can be extremely difficult, and some goals—such as increasing reimbursement and slowing inflationary trends—seem to be inherently contradictory. As the proposal correctly notes, the only hope for balancing these goals is to use available funds more wisely, and managed care provides one of the few effective tools for achieving this objective. But it should be kept in mind that a responsible managed care program takes a long-term approach to the health of enrollees, and therefore often identifies new health care needs. For the population in question here—children and pregnant women who have lacked coverage and therefore may have gone without care for many years—managed care therefore may not yield immediate cost savings, and could even increase short-term costs.

Finally, we support the proposal's call for development of outcomes measures and practice parameters. These steps can help call attention to the problems of underservice as well as excess service. When appropriately implemented, as guidelines rather than absolutes, practice parameters can be effective vehicles for educating consumers, providers, Medicaid programs and others.

We are very encouraged by and supportive of your interest in expanding health insurance coverage for children and pregnant women, and look forward to working with you further.

Sincerely,

PAUL C. RETTIG,
Executive Vice President.

AMERICAN INFORMATION TECHNOLOGIES,
Washington, DC, September 10, 1990.

Ms. KAREN POLITZ,
Legislative Assistant to Hon. Jay Rockefeller,
U.S. Senate, Washington, DC

DEAR KAREN: Thank you for sending me Senator Rockefeller's new proposal for expanding Medicaid to cover all pregnant women and children under age six who fall below the poverty level. We are generally supportive of the Senator's approach to offer some relief to a key segment of the uninsured population. We believe Medicaid expansion programs should be• paid for through general revenues.

We are pleased that his proposal includes important provisions to address cost management and quality of care, including provider contracting, case management, and incentives for appropriate patient actions. Ameritech participated in the meetings between the Washington Business Group on Health and the Senator that focused on including these quality-related elements in any health legislation introduced. We also support the Senator's emphasis on giving flexibility to the states to design payment systems with a priority placed on patient services.

An effective Medicaid expansion program can be viewed as a positive investment for the future. Good prenatal care has been shown to have a significant financial payback. A healthy baby, given quality medical care throughout its chidlhood, is more likely to become a productive member of the work force than a child with acute or chronic medical problems resulting from inadequate prenatal or pediatric care.

We will be happy to review additional proposals and comment on legislative initiatives as the health care policy debate unfolds.

Sincerely,

DOROTHY A. WALSH.

BLUE CROSS AND BLUE SHIELD ASSOCIATION,
Washington, DC, August 15, 1990.

Hon. JOHN D. ROCKEFELLER IV,
Hart Senate Office Bldg.,
Washington, DC

DEAR SENATOR ROCKEFELLER: Thank you for giving us the opportunity to comment on an outline of your proposal to expand

coverage and improve payment levels under the Medicaid program. We applaud your continuing efforts concerning the health coverage of low-income families.

Your proposal would:

Extend Medicaid coverage to all children through age 18 with family income below 100 percent of the federal poverty level;

Set a national standard for Medicaid payment to providers, with priority given to improving reimbursement for services provided to pregnant women and children;

Incorporate cost management initiatives to promote effective use of services provided to pregnant women and develop outcome measures and practice parameters for services provided to high-risk pregnant women; and

Suspend state matching payments for a period of time for the expansions in this Act and finance these expansions through an increase in the federal excise tax on cigarettes.

The Blue Cross and Blue Shield Association (BCBSA) strongly supports the outline of your proposal to extend coverage to children whose family income is less than the federal poverty level. We support this extension as part of our overall recommendation to expand Medicaid coverage for all individuals and families with incomes below the federal poverty level.

Given the tight budget situation at both the federal and state levels, we certainly agree that it makes sense to continue the effort to provide expanded coverage for high-risk populations such as pregnant women and children. However, as the budget permits, we also believe it is important to make progress on improving coverage of those individuals with incomes significantly below the poverty level who currently cannot qualify for Medicaid coverage.

We also support your proposed improvements in Medicaid provider payments. We too have become increasingly concerned about low Medicaid reimbursement rates for providers in many states. Not only does this problem result in access to care problems for Medicaid patients—especially on the physician side—but it also causes significant hardship for providers who leave their doors wide open for Medicaid and other low-income patients. This is becoming an increasing problem and we support increased provider payment levels in the Medicaid program, where appropriate.

Likewise, we support your proposal to build in cost management initiatives for services provided to pregnant women and to develop outcome measures and practice parameters for services provided to this population.

While we do not have any views on changing the financing of the Medicaid program, BCBSA supports your recognition of the fiscal problems faced by the states in your proposal to suspend state matching payment for these expansions for a period of time, while maintaining states' traditional responsibility for the Medicaid program.

We would appreciate an opportunity to review and comment further on your proposal, once it is in legislative form. Thank you again for the opportunity to present our views.

Sincerely,

MARY NELL LEHNHARD.

CHILDREN'S DEFENSE FUND,
Washington, DC, August 13, 1990.

Hon. JOHN ROCKEFELLER,
Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: I want to express our strong support for your efforts to improve the health of America's children through expansion of Medicaid. The "Building Better Health Protection for Mothers and Children" Act would extend crucial health benefits to more than a million uninsured low-income children and adolescents and guarantee continuity of coverage for more than 12 million children eligible for assistance. As you know, CDF's health agenda has long proposed that Medicaid be extended to all pregnant women and children with family incomes below 200 percent of the federal poverty level. Your bill represents an important "down payment" toward fulfilling the vision of universal access to health care for children.

The legislation could not come at a more critical time. According to the Bush Administration's own White House Task Force on Infant Mortality, this nation could, through modest steps easily within its reach, save 10,000 babies a year, eliminate long-term disabilities in another 100,000 infants, and achieve long-term savings of $2 billion. Your legislation would provide essential health care coverage to reduce infant mortality, increase immunization levels, provide check-ups, and ensure necessary remedial care for children with disabilities and chronic health problems. Study after study has demonstrated clearly the value of preventive investment. For every $1 the nation invests in prenatal care we can save $3, and for every $1 used for immunizations we save $10 and more in preventable disease costs.

We look forward to working with you to enact this vital legislation. Improvements in health care coverage are urgently needed for America's 12 million uninsured children. Another generation of low-income children should not be left to grow up without access to care.

Sincerely,

MARIAN WRIGHT EDELMAN.

NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS, INC.,
Alexandria, VA, September 18, 1990.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the National Association of Children's Hospitals and Related Institutions may I express our support for your efforts to address the need for expanded Medicaid assistance for millions of children whose families have incomes below the federal poverty level and are unable to obtain private insurance.

Children's hospitals are major providers of health care to children of low income families who rely on either public aid or charity to pay for their health care. In 1989 NACHRI issued a comprehensive set of recommendations to remove the obstacles that stand in the way of children's access to care under Medicaid.

The proposals you have listed in your two page outline have great potential to address significant problems with eligibility, enrollment, and reimbursement affecting children's access to care under Medicaid as well as important issues of financing, quality assurance, and cost effectiveness that are critical to the long-term viability of Medicaid. We look forward to reviewing the details of the bill you plan to introduce.

We are particularly encouraged by the fact that your proposals would expand upon S. 2459, the "Medicaid Child Health Act," which you have co-sponsored and NACHRI has endorsed. This bill pursues the bipartisan agenda of Medicaid reform for children initiated by the Finance Committee in 1989.

We believe that Medicaid reform for children is one of the most cost-effective investments we can make in the future health of our children and economic productivity of our nation. It should be an integral part of our deficit reduction strategy.

Sincerely,

ROBERT H. SWEENEY,
President.

NATIONAL ASSOCIATION OF MANUFACTURERS,
September 13, 1990.

Hon. JAY ROCKEFELLER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR JAY: The National Association of Manufacturers is pleased to support your efforts to expand Medical services for poor children on a phased basis and make related improvements to the Medicaid program. We understand the proposal, "Building Better Health Protection for Mothers and Children," is slated for introduction in mid-September.

Setting national standards for payment to hospitals and physicians under Medicaid (targeted to children and pregnant women) to assure access and quality and help reduce current practices of cost-shifting of private-paying patients is an important step in trying to bring overall health care costs under control. In response to yearly 15 to 20 percent health care inflation, employers, who sponsor health care coverage for over 139 million Americans, engage in numerous cost containment efforts from managed care to increased employee cost-sharing; however, health care providers continue to raise their fees. This occurs partially as a result of inadequate government reimbursement and providers attempting to offset unpaid bills (uncompensated care) of those persons who lack health care coverage. Expanding eligibility for children through age 18 should help to reduce the amount of uncompensated care delivered by hospitals and physicians.

The proposal would also direct the U.S. Agency for Health Care Policy and Research to develop specific programs for contracting with providers, tying financial incentives to the delivery of cost-effective managed care programs and to developing outcome measures and practice parameters for high-risk pregnant women. While only applying to Medicaid-eligible pregnant women, such research and program development measures can have applications for other Medicaid eligibles and federal health programs as well as for the private sector.

Financing these expansions presents some real challenges, given budget deficits and a worsening economy. Rather than a single source of revenue such as the proposed increased cigarette tax, we urge you to consider a combination of options and also reallocating certain funds from the current budget to finance the proposed expansions.

The NAM commends your leadership on seeking to improve Medicaid services for poor children who are America's future citizens and workers. We are pleased to work with you on this important issue.

Sincerely,

JERRY J. JASINOWSKI.

NATIONAL SMALL BUSINESS UNITED,
August 31, 1990.

Hon. JOHN D. ROCKEFELLER IV,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: At National Small Business United (NSBU), we are very pleased that you are about to introduce Building Better Health Protection for Mothers and Children, a Medicaid expansion bill. We believe that broadened Medicaid eligibility, especially for children and pregnant women, is necessary in today's plagued health care climate, and we will support your bill.

As you know, NSBU has taken an active role in helping to develop workable solutions to the country's crippling health care crisis. We are pleased to have been able to work with you in your role as Chair of the Pepper Commission, and we know that you understand the unique problems facing small businesses in the health care market.

NSBU believes that your bill will actually reduce aggregate health care costs by alleviating problems in the earliest stages and by preventing many expensive health problems later in life through proper prenatal care. This judicious Medicaid expansion will also help prevent the costs of many individuals without insurance from being shifted to the private sector. Thereby, your bill should help to stem rapidly increasing health insurance premiums and help small employers to better afford health insurance for their employees.

Thanks for your continuing leadership in trying to find pragmatic solutions to our profound health care problems.

Sincerely yours,

JOHN PAUL GALLES,
Executive Vice President.

U.S. CHAMBER OF COMMERCE,
September 13, 1990.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: I am pleased to offer the views of the U.S. Chamber of Commerce concerning your proposal to improve access to health services for poor mothers and children through the Medicaid system.

The Chamber supports your goal of protecting low-income mothers and children. We believe that the Medicaid system should be reformed so that all Americans with incomes below the federal poverty level are assured coverage. In recognition of state and federal budget constraints, our health policy specifically supports phasing in expanded coverage, with mothers and children as a priority. Enclosed is the Chamber's Statement of Access to Health Care.

Currently, the Chamber is working with a coalition which comprises representatives of business, insurers, health-care providers and children's advocates in support of expanded Medicaid eligibility for poor children. We were signatory to the enclosed ad, which appeared in the September 5, 1990 edition of the Washington Post, urging Congress to make Medicaid reform for children a priority.

The broad support these Medicaid reforms have garnered is encouraging. The nation must move forward in those areas where consensus exists. Given the strong and broad support for Medicaid expansion, this is a logical starting point.

In addition to expanding Medicaid eligibility for poor children, your proposal contains several innovations designed to improve the quality and cost-effectiveness of care delivered within the system. We believe that health cost management is critical in both the public and private sectors. And the Chamber strongly supports the development of outcomes measures and practice guidelines to assure appropriate and effective care. The Chamber has not taken a policy position on national standards for Medicaid payments to health-care providers.

However, the Chamber does not support the financing mechanism in your proposal which would double the federal excise tax on cigarettes. Such a tax would neither significantly reduce smoking nor tend to diminish the demand for Medicaid services.

The National Cancer Foundation (NCF), the research affiliate of the U.S. Chamber, recently summarized the major research findings on the economic effects of excise tax increases. Among these findings is that such taxes fail to achieve their commonly stated ends—discouragement of consumption of potentially harmful products—and render attainment of tax equity goals more difficult. The NCF findings have been published, and a summary was presented to the Senate Finance Committee for inclusion in its May 24, 1990 hearing record on the health costs of smoking. I have enclosed a copy of both documents.

If you have any questions regarding the Chamber's position, please feel free to have your staff contact Karen Berg Brigham, manager of health care policy, at 463-5514.

We commend you for your leadership in the health care area and offer our assistance as you continue to work on these issues.

Sincerely,

DONALD J. KROES.

WASHINGTON BUSINESS GROUP ON HEALTH,
September 6, 1990.

Hon. JOHN D. ROCKEFELLER IV,
724 Hart Senate Office Building, Washington, DC.

DEAR SENATOR ROCKEFELLER: We are pleased to offer our support for expansion of Medicaid to cover all children (under age 18) under the federal poverty level, improvement of Medicaid payments to providers, and improvement of the quality and cost effectiveness of Medicaid care delivered.

WBGH and its members are struggling with many of the same issues regarding our health care system that you in the Congress are facing. We believe that broad system reform is essential. Exactly how to achieve this reform is a complex question which we are tackling within our Board of Directors and Health System Reform Committee.

In the meantime, we believe that the rate of poverty and lack of health care coverage for poor American children is unacceptable and must be corrected in the near term. While the country debates health system reform holding America's poor children hostage would be unconscionable. Therefore, our Board has endorsed the immediate expansion of Medicaid for children under the federal poverty level.

We believe that a healthy economy is based on healthy workers and consumers. These children are our future and it is in our mutual interest to give them a healthy start.

At the same time, we must underscore our concern for expanding access to what we feel is a flawed health care delivery and financing system. We believe that it is in all our interests to more efficiently use our health care dollars. Therefore, we base our support on the understanding that this expansion will include aggressive cost management tools to stretch limited resources. There are many in the business community that firmly believe that expansion of access only be to competing systems of managed care which are responsible for the quality and efficiency of the care rendered.

We are pleased to see that you have incorporated quality and cost effectiveness initiatives into your proposal. Attached is a Medicaid cost management proposal designed by a subcommittee of our Board. We believe it offers strategies for more effective health care purchasing.

Finally, we have examined our members' willingness to use cigarette excise taxes to fund Medicaid expansion. In general, business has an aversion to industry-specific taxes. However, there is a recognition that cigarette smoking causes health problems which increase our health spending. An informal survey or our members (the health policy experts within companies) found a general acceptance of the cigarette excise tax for the purpose of our members (the findings of which are yet to be released), when given a list of options for financing health care expenditures, sin taxes (including alcohol and cigarettes) were the third most popular choice.

It is important to note, however, that there is concern among our Board about the use of sin taxes due to the implicit assumption that the taxes will lead to reduce consumption and therefore a shrinking tax base. Thus, we do not view sin taxes as a stable long term financing solution.

Thank you for the opportunity to comment on this very worthy initiative. if you have any questions regarding our position or the enclosures—please contact Cathy Certner.

Sincerely,

WILLIS B. GOLDBECK,
President.

Mr. HATCH. Mr. President, today I am pleased to join Senators ROCKEFELLER, KENNEDY, and others in the introduction of the Better Health Protection for Mothers and Children Act of 1990.

Mr. President, there are two things that I have learned about our current health care system. First, America provides the best health care in the world; and second, there are those in our society who do not have access to this excellent care. If we want to continue to think of our health care system as the best in the world, we have to find a way to ensure that all Americans have access to it. The bill being introduced today is one step toward achieving this goal.

The Medicaid program must be returned to its original purpose—to provide access to health care for the economically disadvantaged. Medicaid needs to be expanded to cover all individuals and families with incomes below the Federal poverty level. However, at the same time, we must be realistic about the budget situation. It makes good sense to focus our efforts at this time on expanding coverage for those most at risk—pregnant women, infants, and children.

Many of our Nation's children and pregnant women face inadequate access to good quality, affordable health care. Strict Medicaid eligibility rules leave millions of poor children uninsured. In many States, low Medicaid reimbursement rates for providers have exacerbated the problem of access to health care.

This bill begins to address the problem of health care availability for low-income families. The bill would guarantee Medicaid coverage for all children in families with incomes below 100 percent of the Federal poverty level and provide enrollment for a minimum period of 1 year so that children can count on continuous Medicaid coverage.

The bill provides for the setting of national standards for improved payments to hospitals, physicians, and alternative providers for obstetric services and for pediatric services for children under one. The bill also supports demonstration programs that promote quality and cost-effective use of services to pregnant women and children and that provide for the development of outcome measures and practice guidelines for services for pregnant women.

The initial costs of these reforms will be fully financed at the Federal level with State matching payments suspended through 1994. After 1994, the States will gradually contribute their share of the additional costs of the expansions and improvements in coverage. With regard to financing these changes, as an offset to the costs of the reforms, the bill proposes that the Federal excise tax on cigarettes be doubled.

Mr. President, this bill will provide health care to this country's most vulnerable citizens, low-income pregnant women and children. This bill is an investment in the future of this country. I urge my colleagues to join me in cosponsoring this bill to build better health protection for mothers and children.

Mr. KENNEDY. Mr. President, Today we face a crisis in the health care system that threatens the well-being of every American family. The challenge is more serious than at any time since the enactment of Medicare in 1965, and no one is immune—young or old, rich or poor, business or labor, city or farm, insured or uninsured.

In my view, health care should be a basic right for all, not just an expensive privilege for the few. My family has been fortunate in being able to obtain the best in health care, and it ought to be available to every family.

Yet, there are 37 million Americans who have no health insurance at all, either public or private. There are 60 million more with inadequate insurance. Fifteen million American families annually go without health care because they cannot afford it, and one-half of all the people hounded by collection agencies are in debt because they have medical bills they cannot pay.

The crisis is not confined to the 100 million Americans who are uninsured or underinsured. Key health care institutions on which millions of Americans depend are on the verge of collapse.

In New York City, the average wait in emergency rooms is 3 days before a patient can be admitted to the hospital. In Los Angeles, more than half the private hospitals have dropped out of the Los Angeles trauma care network that provides emergency services for the most seriously injured because they can no longer afford to care for uninsured patients.

Virtually every State in the country is reporting that patients are piled up in emergency rooms because of a lack of hospital beds. Forty percent of the Nation's hospitals fail to meet health and safety standards.

Whether a patient is rich or poor, insured or uninsured, these conditions have the potential to put life at risk. And even Americans that are fully insured today are just one paycheck, one job change, one management decision to drop insurance coverage from being out of luck tomorrow.

One of the most troubling aspects of the current crisis is the devastating impact on children. Every child in America deserves a healthy start in life. But too many fail to get it because their parents can't afford it and society won't provide it. One in every five children in America today—12 million children in all—have no health insurance coverage. Two out of every three pregnant women who are uninsured do not get the low-cost, effective prenatal care that their babies need. It is no wonder that 18 other industrial nations have a better record in keeping babies alive than the United States. Forty percent of our children do not even receive basic childhood vaccines.

American children are the innocent victims of the health care crisis and that means that America is the victim, too—because our children are our future.

The crisis in health care is not only a health issue, it is an economic issue as well. The United States spends more than any other country on health care. We spend 40 percent more per capita than Canada, 90 percent more per capita than West Germany, and more than twice as much as Japan. No wonder that American firms are struggling to compete in world markets, that health care has become a flash point in labor negotiations, and that business and labor alike are demanding a comprehensive health policy.

I believe that the time has come when universal health care and tough cost control measures can and must be enacted. I believe the American people are demanding action, and when the people lead, the politicians will follow.

The legislation we are introducing today represents as downpayment on the comprehensive reform that must be enacted. It targets one of the most critical health problems in our current system—inadequate coverage under Medicaid for poor pregnant women and children, and I urge the Senate to enact it.

By Mr. INOUYE (for himself and Mr. McCAIN):

S. 3082. A bill to expand the authority of the Secretary of the Interior on connection with the investment of Indian trust funds, and for other purposes; to the Select Committee on Indian Affairs.

INVESTMENT OF INDIAN TRUST FUNDS

● Mr. INOUYE. Mr. President, I am pleased to be introducing legislation which will allow Indian tribes and individuals the right to exercise some choice in the management of their own funds which are held in trust by the Bureau of Indian Affairs of the Department of the Interior. Currently the BIA manages approximately $1.9 billion on behalf of more than 300,000 individual Indians and 200 tribes. Most of the individual accounts are relatively small and comprise about one-fourth of the total while the tribal accounts, earnings from the sale of lease of trust assets, constitute about one-third with the remainder consisting of judgment funds resulting from successful legal claims of Indians against the Federal Government. The statute directing the BIA to manage these moneys was last amended in 1938 and has been interpreted by the Interior Solicitor as not allowing the investment of these funds in private management companies. My proposed amendment, developed in response to requests from a number of tribes, would provide such authority to be exercised at the option of the tribe or individual. Specifically, the option would be use contract for the management services of a mutual fund provided that the pool of securities managed contains only federally issued or guaranteed securities which is the restriction under current law. The Secretary of the Interior must examine the proposed management arrangement to ensure that the principal of the trust funds will not be at risk and the Indian tribe or individual exercising this option is required to waive any liability of the Secretary regarding the yield or net interest income generated by such management arrangements. I believe this amendment is consistent with the important Federal Indian policy of self-determination while providing sufficient safeguards as is appropriate for Indian trust funds.

This bill also amends the 1974 Indian Financing Act by authorizing the Secretary of the Interior flexibility in the disposition of funds appropriated under the revolving loan program. Current law restricts the making of direct loans to eligible Indians or tribes only after the applicant has demonstrated that he or she cannot get a loan from a private bank or other financial institution. My amendment allows the Secretary to also use these funds in conjunction with a loan by a bank, to contribute to the loan guaranty fund, or to make interest subsidy payments authorized by other provisions of the Indian Financing Act. A recent report by the Interior Department severely criticized the BIA for its management of the revolving loan fund. By comparison, the loan guaranty and business grant programs were performing quite well primarily because these funds supported the commitment of the private lender. This amendment will allow the Secretary to reallocate revolving loan funds, at his discretion, to these other, more successful programs.

I anticipate that the minor changes in existing law and current programs contemplated under this bill will be considered expeditiously in the time remaining in this session of the Congress. Although minor these changes are important and will demonstrate the ability of Congress to respond to the needs of Indian people.●

By Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. CONRAD, Mr. INOUYE, and Mr. MCCAIN):

S. 3083. A bill to establish a tribal cattle herd pilot project, and for other purposes; to the Select Committee on Indian Affairs.

TRIBAL CATTLE HERD PILOT PROJECT ACT

● Mr. DASCHLE. Mr. President, on behalf of Indian tribes in my State that asked that I sponsor this proposal, I am introducing legislation today to create a Tribal Cattle Herd Pilot Project [TRICAPP]. The following Senators asked to be listed as cosponsors: BAUCUS, BURDICK, CONRAD, INOUYE, and MCCAIN.

The proposal would establish a loan program in the Bureau of Indian Affairs to help Indian tribes establish cattle herds. The cattle would be maintained by the tribes and offered to tribal members who meet certain guildelines to start their own cattle operations.

The program's goal is to offer members of Indian tribes an opportunity to become self-sufficient through ranching enterprises. The program draws on two of the principle natural resources on most reservations: grasslands and people. TRICAPP is designated to help tribes put these resources to their best use.

According to Wayne Ducheneaux, chairman of the Cheyenne River Sioux Tribe, in testimony before the House Interior Committee, TRICAPP could provide 257 families with the opportunity to start up or expand cattle operations. The reservation includes more than 1.2 million acres of rangeland, with surplus acreage for 6,775 head of cattle. Another reservation in my State wants to start a dairy herd that would be a source of animals for 4-H projects. The idea is to give young people an alternative to drugs and alcohol.

The biggest hurdle Indians face in starting a livestock operation is credit. To help tribes scale this hurdle, the interest rate on the loans would be 5 percent, the rate applied by the Department of Agriculture in loan programs for persons who are members of so-called socially disadvantaged groups. TRICAPP could offer loan guarantees and direct loans. The program is based on an earlier BIA program that is no longer in operation.

The program would be open to all tribes, but BIA may give preference to the five Northern Great Plains Indian tribes that developed the proposal—Cheyenne River Sioux, Crow Creek Sioux, Oglala Sioux, Fort Belknap and the Northern Cheyenne.

The project includes research and technical assistance to be provided by South Dakota State University and Montana State University to help the tribes and their members improve management and marketing skills.

Mr. President, we must find creative ways to encourage economic development on the reservations if we are ever to break the cycle of dependence, and the related problems of crime, unemployment, disease, and drug and alcohol abuse. This is a proposal developed by the tribes.

They are the best judge of what will work on their reservations. They believe that TRICAPP is one means to improve the way of life for many Indians.●

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 1651

At the request of Mr. MCCAIN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States Organization.

S. 1676

At the request of Mr. PELL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1676, a bill to strengthen the teaching profession, and for other purposes.

S. 1813

At the request of Mr. GORTON, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1813, a bill to ensure that funds provided under section 4213 of the Indian Alcohol and Substances Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters.

S. 1981

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1981, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 2415

At the request of Mr. DOMENICI, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2415, a bill to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Act of 1978.

S. 2535

At the request of Mr. MCCONNELL, the names of the Senator from Utah [Mr. HATCH] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2535, a bill to provide for a comprehensive health care plan for all Americans, and for other purposes.

S. 2640

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2640, a bill to amend title XVIII of the Social Security Act to prevent fraud and abuse and encourage competition in the sale of Medicare supplemental insurance.

S. 2725

At the request of Mr. ARMSTRONG, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2725, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act.

S. 2813

At the request of Mr. GRAHAM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2813, a bill to authorize the minting of commemorative coins to support the training of Ameri-

can athletes participating in the 1992 Olympic games.

S. 2819

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor 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. 2822

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2822, a bill to promote and strengthen aviation security, and for other purposes.

S. 2860

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2860, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 3035

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama [Mr. SHELBY] 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 [Mr. DOLE] and the Senator from Illinois [Mr. SIMON] 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.

S. 3059

At the request of Mr. DECONCINI, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 3059, a bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges.

S.J. RESOLUTION 283

At the request of Mr. CRANSTON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 283, a joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park.

S.J. RESOLUTION 346

At the request of Mr. BOSCHWITZ, the name of the Senator from Maine [Mr. MITCHELL] 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 349

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from Indiana [Mr. COATS], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 349, a joint resolution designating October 1990, as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 364

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Alabama [Mr. SHELBY], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 364, a joint resolution to designate the third week of February 1991 as "National Parents and Teachers Association Week."

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. COHEN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Concurrent Resolution 125, a concurrent resolution expressing the sense of Congress regarding adequate funding for long-term health care services provided through the Medicare and Medicaid Programs.

SENATE RESOLUTION 325—COMMENDING THE ESTABLISHMENT OF THE EISENHOWER CENTER FOR THE CONSERVATION OF HUMAN RESOURCES AT COLUMBIA UNIVERSITY

Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 325

Whereas the Conservation of Human Resources Project at Columbia University is now in its fifth decade;

Whereas General Dwight David Eisenhower, as president of Columbia University from 1948 to 1950, invigorated the Conservation Project with energy and direction;

Whereas the Conservation Project was established to both examine economic transformations from the viewpoint of human resources and analyze the response of educational, training, and employer institutions to such transformations;

Whereas the Conservation Project has published some 250 books and reports on human resources; and

Whereas in recognition of Dwight David Eisenhower's service to his country and to Columbia University, the Conservation of Human Resources Project has been renamed the Eisenhower Center for the Conservation of Human Resources: Now, therefore, be it

Resolved, That, in this centennial year of Dwight David Eisenhower's birth, the newly rechristened Eisenhower Center for the Conservation of Human Resources at Columbia University has the full and enthusiastic support of the United States Senate.

● Mr. MOYNIHAN. Mr. President, I rise to introduce legislation to add the support of the Senate to the newly rechristened Eisenhower Center for the Conservation of Human Resources at New York University.

The Center was first known as the Conservation of Human Resources Project. When Gen. Dwight Eisenhower became president of Columbia in 1948 he invigorated the Conservation Project, as it was known, and set it on the course that resulted in the publication of over 250 books and reports. The Conservation Project has studied the effect of economic transformations on human resources, particularly the responses of educational, training, and employer institutions to these transformations, and made valuable contributions.

In the centennial of President Eisenhower's birth, Columbia has renamed the Conservation Project in honor of his contributions to it. Known from now on as the Eisenhower Center for the Conservation of Human Resources, it will continue this strong record of working to improve the Nation's human resources, as President Eisenhower saw that it could and should do.

This resolution expresses the support of the Senate for the newly changed name and the good work the Eisenhower Center will continue to do as it enters this new phase in its development.●

AMENDMENTS SUBMITTED

OLDER WORKERS BENEFIT PROTECTION ACT

DOLE AMENDMENT NOS. 2674 THROUGH 2676

(Ordered to lie on the table.)

Mr. DOLE submitted three amendments intended to be proposed by him to the reported amendment, as modified, 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:

AMENDMENT NO. 2674

At the end of the amendment, add the following new title:

TITLE IV—SMALL EMPLOYERS

SEC. 401. SMALL EMPLOYERS.

Notwithstanding any other provision of law, this Act and the amendments made by this Act shall not apply to an employer with fewer than 100 employees.

AMENDMENT NO. 2675

Beginning on page 9 of the amendment, strike line 17 and all that follows through page 11, line 9, and insert the following new section:

SEC. 105. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall become effective on the date that is 2 years after the date of enactment of this Act.

(b) STATES AND POLITICAL SUBDIVISIONS.—

(1) APPLICATION.—This subsection shall apply 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.

AMENDMENT NO. 2676

On page 14 of the committee amendment, between lines 8 and 9, insert the following:

"SPECIAL PROVISION FOR STATES AND LOCAL SUBDIVISIONS REQUIRED TO RAISE TAXES TO COMPLY.

"(1) IN GENERAL.—Nothwithstanding any other provision of this Act or any other provision of law, if any State government or political subdivision of a State must raise taxes to bring one or more of its employee benefit programs into compliance with this Act, this title and the amendments made by this title shall not apply to that program until the date that is four years after the date of enactment of this Act.

"(2) CERTIFICATION BY GOVERNOR OF AFFECTED STATE.—Paragraph (1) shall apply to any employee benefit program there, within six months of the date of enactment of this Act, the Governor of the State having jurisdiction over such program has certified to the Equal Employment Opportunity Commission that the only feasible means for bringing the program into compliance with this Act is through some type of tax increase.

"(3) STUDY OF FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS.—One year from the date of enactment of this Act the Equal Employment Opportunity Commission shall transmit a report to Congress analyzing the fiscal impact of this Act on State and local governments. This study shall identify the type and amount of any tax increase any State or subdivision of a State is required to impose to comply with this Act as well as any other effects of the Act on State and local governments.".

JEFFORDS AMENDMENTS NOS. 2677 THROUGH 2679

(Ordered to lie on the table.)

Mr. JEFFORDS submitted three amendments intended to be proposed by him to the reported amendment, as modified, to the bill S. 1511, supra, as follows:

AMENDMENT NO. 2677

At page 16, line 22—

Delete the period at the end of the line and insert the following: ", except that where all individuals in the same job classification or organizational unit are eligible or selected for the program, the employer need not compile or inform the individual of the information specified herein [i.e., in (f)(1)(H)(ii)].".

AMENDMENT NO. 2678

At page 17, line 13—

Delete all after the word "that" through the end of the sentence on line 18. Thereafter, insert the following: "the requirements set forth in paragraph (1) or (2) have been satisfied.".

AMENDMENT NO. 2679

At page 6, strike all section (2)(A) and insert the following:

"(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 are deducted from severance pay made available as a result of the contingent event unrelated to age; or

"(ii) the value of any additional pension benefits that are made available, to an individual eligible for an immediate pension, solely as a result of the contingent event unrelated to age are deducted from severance pay made available as a result of the contingent event unrelated to age, provided that the individual may elect to receive either the additional pension benefits or the severance pay.".

PURPOSE

To allow the offset against severance of any pension sweeteners which provide employees with additional benefits beyond those to which they otherwise are entitled under the plan (i.e., eliminating the requirement that the sweetener provide an unreduced pension) and which benefits are available solely as the result of the contingent event unrelated to age, regardless of presence of retiree health benefits. A necessary precondition to the offset is that the employee is provided with the choice between the additional pension benefits or the severance pay.

METZENBAUM AMENDMENT NOS. 2680 THROUGH 2682

(Ordered to lie on the table.)

Mr. METZENBAUM submitted three amendments intended to be proposed by him to the reported amendment, as modified, to the bill S. 1511, supra, as follows:

AMENDMENT NO. 2680

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 eligibil-

ity 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 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.

"(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 2, 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 participate 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.

FEDERAL AGENCIES.—

(1) IN GENERAL.—With respect to any employee benefits provided by an employer that is a Federal agency, this title and the amendments made by this title shall apply 2 years after the date of enactment of this Act.

(2) FEDERAL AGENCY.—The term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

SEC. 104. STUDY OF COMPLIANCE BY FEDERAL AGENCIES.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall conduct a study of the compliance of Federal employee benefit plans with the requirements of this title and the amendments made by this title.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress that describes the results of the study conducted under subsection (a). If the Director determines that Federal agencies are not complying with the requirements referred to in subsection (a), the Director shall include in the report a detailed proposal for ensuring the compliance of Federal agencies with the requirements without reducing benefits to any Federal employee or annuitant.

(c) DEFINITION OF FEDERAL AGENCY.—As used in this section, the term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

AMENDMENT No. 2681

Strike all after the first word and 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 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.

"(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 2, 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 inde-

pendent 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 participate 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.

AMENDMENT No. 2682

Strike all after the first word in the text proposed to be striken and 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.

"(1) 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 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.

"(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 2, 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 participate 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.

FEDERAL AGENCIES.—

(1) IN GENERAL.—With respect to any employee benefits provided by an employer that is a Federal agency, this title and the amendments made by this title shall apply 2 years after the date of enactment of this Act.

(2) FEDERAL AGENCY.—The term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

SEC. 106. STUDY OF COMPLIANCE BY FEDERAL AGENCIES.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall conduct a study of the compliance of Federal employee benefit plans with the requirements of this title and the amendments made by this title.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress that describes the results of the study conducted under subsection (a). If the Director determines that Federal agencies are not complying with the requirements referred to in subsection (a), the Director shall include in the report a detailed proposal for ensuring the compliance of Federal agencies with the requirements without reducing benefits to any Federal employee or annuitant.

(c) DEFINITION OF FEDERAL AGENCY.—As used in this section, the term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

FEDERAL AGENCIES.—

(1) IN GENERAL.—With respect to any employee benefits provided by an employer that is a Federal agency, this title and the amendments made by this title shall apply 2 years after the date of enactment of this Act.

(2) FEDERAL AGENCY.—The term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

SEC. 104. STUDY OF COMPLIANCE BY FEDERAL AGENCIES.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall conduct a study of the compliance of Federal employee benefit plans with the requirements of this title and the amendments made by this title.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress that describes the results of the study conducted under subsection (a). If the Director determines that Federal agencies are not complying with the requirements referred to in subsection (a), the Director shall include in the report a detailed proposal for ensuring the compliance of Federal agencies with the requirements without reducing benefits to any Federal employee or annuitant.

(c) DEFINITION OF FEDERAL AGENCY.—As used in this section, the term "Federal agency" means a Federal department, agency, or unit that is described in section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)).

ROTH AMENDMENT NOS. 2683 AND 2684

(Ordered to lie on the table.)

Mr. ROTH submitted two amendments intended to be proposed by him to the reported amendment, as modified, to the bill S. 1511, supra, as follows:

AMENDMENT NO. 2683

SEC. 105. EFFECTIVE DATE.

Title I, section 105(a)(2) would be amended at the end to add:

"'Conduct' does not include payments made after the date of enactment of this Act where such payments are continuations of a payment schedule established for an individual prior to that date."

AMENDEMENT NO. 2684

SEC. 103. LAWFUL EMPLOYMENT PRACTICES.

Title I, section 103 is amended by striking subsection (1)(3) and inserting the following new subsection:

"(3) It shall not be a violation of subsection (a), (b), (c), or (e) to observe the terms of an arrangement—

"(A) under which long-term disability benefits are reduced by—

"(i) any pension benefits for which an employee is eligible and that are not reduced on account of the age of the employee.".

HATCH AMENDMENT NOS. 2685 THROUGH 2704

(Ordered to lie on the table.)

Mr. HATCH submitted 20 amendments intended to be proposed by him to the reported amendment, as modified, to the bill S. 1511, supra, as follows:

AMENDMENT No. 2685

On page 6 of the amendment, strike lines 7 through 12 and insert in lieu thereof the following:

"The value of any additional pension benefits that are made available solely as a result of the contingent event unrelated to age and following which the individual eligible for not less than an immediate and unreduced pension,".

AMENDMENT No. 2686

Beginning on page 9 of the amendment, strike line 17 and all that follows through page 11, line 9, and insert the following new section:

SEC. 105. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall become effective on the date that is 2 years and one day after the date of enactment of this Act.

(b) STATES AND POLITICAL SUBDIVISIONS.—

(1) APPLICATION.—This subsection shall apply 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 22, 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.

AMENDMENT No. 2687

Beginning on page 9 of the amendment, strike line 17 and all that follows through page 11, line 9, and insert the following new section:

SEC. 105. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall become effective on the date that is 2 years and one day after the date of enactment of this Act.

(b) STATES AND POLITICAL SUBDIVISIONS.—

(1) APPLICATION.—This subsection shall apply 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 22, 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.

AMENDMENT No. 2688

On page 8 of the amendment, line 2, before the period, insert the following: ", or at any greater or lesser rate equal to the cost that an employer can demonstrate it has incurred in providing retiree health benefits to any individual".

At page 7, delete subparagraph (D) and redesignate subparagraphs (E) and (F) as (D) and (E) respectively.

AMENDMENT No. 2689

In section 105 of the amendment:

Redesignate subsection (d) as subsection (e).

Insert immediately following subsection (c) the following new subsection (d):

"(d) CONTINUED BENEFIT PAYMENTS.—Notwithstanding any provision of this section, on and after the effective date of this title and the amendments made by this title (as determined in accordance with subsections (a), (b), and (c)), this title and the amendments made by this title shall not apply to a series of or any benefit payments that began prior to the effective date and that continue after the effective date pursuant to an arrangement that was in effect on the date of enactment of this Act.".

AMENDMENT No. 2690

On page 14 of the amendment, between lines 8 and 9, insert the following new subsection:

(d) APPLICATION OF STATE AND LOCAL GOVERNMENT PROVISIONS TO PRIVATE EMPLOYERS.—Any special provision applicable to State and local governments under this section may also apply to a private employer, at the discretion of the employer.

Redesignate subsection (d) on page 14 as subsection (e).

AMENDMENT No. 2691

On page 10 of the amendment, line 17, strike "or June 1, 1992, whichever occurs first".

AMENDMENT No. 2692

On page 10 of the amendment, between lines 17 and 18, insert the following:

( ) BENEFITS PROVIDED TO MEMBERS AND NON-MEMBERS.—For the purposes of _____, employee benefits provided pursuant to a plan that covers both employees who are members of a collective bargaining unit and employees who are not members of a collective bargaining unit shall be considered to be maintained pursuant to a collective bargaining agreement it at least 25 percent of the plan participants are members of one or more collective bargaining units to which an applicable collective bargaining agreement applies.

AMENDMENT No. 2693

On page 4 of the amendment, lines 7 and 8, strike "Consistent with the purposes of this Act," and insert "which is not a subterfuge to evade the purpose of this Act,".

AMENDMENT No. 2694

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Benefits Equity Act of 1990".

SEC. 2. FINDINGS.

Congress finds that—

(1) in *Public Employees Retirement System of Ohio v. Betts,* 109 S. Ct. 2854 (1989), the Supreme Court held that the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) has limited application to age discrimination in employee benefits;

(2) prior to the *Betts* decision, the courts and administrative agencies charged with enforcement of such Act had adopted inconsistent and conflicting positions concerning the application of such Act to employee benefits;

(3) these inconsistencies and conflicts led to litigation and uncertainty over the lawfulness of numerous long-standing features of employee benefits arrangements that are designed to meet, in a cost effective manner, the needs of employees at various stages of their lives, including—

(A) arrangements that integrate or coordinate benefits available under one program (such as severance, supplemental unemployment, or disability benefits) with benefits available from other programs (such as pension benefits);

(B) arrangements that integrate or coordinate benefits available from an employer (such as pension benefits) with benefits available from government sources (such as benefits available under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq.) or workers' compensation);

(C) arrangements that provide enhancements to voluntary early retirement benefits; and

(D) arrangements that calculate benefit levels with reference to age by using present value concepts and generally accepted actuarial practices; and

(4) for these reasons, it is necessary to amend such Act to ensure that—

(A) older workers are protected against arbitrary age discrimination in employee benefits;

(B) bona fide employee benefits arrangements are not discouraged or disrupted; and

(C) the effect of such Act on employee benefits is clarified, and consistent application in the future ensured.

SEC. 3. LAWFUL EMPLOYMENT PRACTICES.

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

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) to discriminate against any individual with respect to the employee benefits of the individual, because of the age of the individual: *Provided,* That for income replacement benefits or other welfare benefits, an employer shall not be considered to have discriminated against an individual within each of these two categories of benefits if—

"(A) the amount or cost of the benefits available to the individual for the year is no less than the amount or cost of the benefit or benefits available for the year to similarly situated younger individuals;

"(B) the present value of the benefits available to the individual is no less than the present value of the benefits available to similarly situated younger individuals; or

"(C) the individual has the option of receiving the same benefits as similarly situated younger individuals,

Provided further, That, an employer shall not be considered to have discriminated against an individual with respect to employee benefits by offering supplemental or subsidized early retirement benefits to subgroups of employees through either an ongoing plan or a temporary arrangement, but, in the case of such a plan or arrangement that offers a supplemental benefit (other than an early retirement subsidy or a social security supplement), only if the supplemental benefit does not arbitrarily dis-

criminate based on age or provides, or has provided in the past, a supplemental benefit to each older employee that is at least equal in amount to the supplemental benefit that such plan or arrangement offers to a similarly situated younger employee."; and

(2) in subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

"(2) to observe the terms of a bona fide seniority system, 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 the individual;

"(3) to make an age-based variance in employee benefits through the following arrangements—

"(A) an employee benefit arrangement that was permissible under section 1625.10 of title 29, Code of Federal Regulations (as in effect on June 22, 1989);

"(B) an arrangement under which long-term disability benefits are reduced by—

"(i) any person benefits for which an employee is eligible and that are not reduced on account of the age of the employee; or

"(ii) any pension benefits that an employee actually receives;

"(C) an arrangement under which long-term disability benefits are reduced by any pension benefits that the employee is eligible to receive and under which long-term disability benefits are payable for life (or, if earlier, until the termination of the disability); or

"(D) supplemental unemployment benefits that cease not later than when an individual becomes eligible to receive a pension that is not reduced on account of the age of an employee, except that no such age-based variance in employee benefits shall excuse the failure to hire any individual, or require or permit the involuntary retirement of any individual specified by section 12(a), because of the age of the individual; or".

SEC. 4. DEFINITIONS.

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 subsections:

"(l) The term 'cost of the employee benefit or benefits' means the cost attributable to the benefit or benefits as determined in accordance with professionally recognized actuarial principles.

"(m) The term 'employee benefit' or 'employee benefits' includes the total remuneration provided pursuant to—

"(1) one or more pension, severance, supplemental unemployment benefit, disability, or health insurance plans or programs, or other employee benefit plan or plans (as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3));

"(2) special layoff, disability, or plant closure arrangements, such as severance payments and early retirement enhancements; or

"(3) one or more government-sponsored benefit programs, such as programs established under the Social Security Act (42 U.S.C. 301 et seq.), workers' compensation, or State or local government retirement programs.

"(n) The term 'government' means the government the United States or a State or political subdivision thereof, or any agency or instrumentality thereof.

"(o) The term 'income replacement benefits' means employee benefits that take the place of wages, such as pension, disability, severance, supplemental unemployment, or social security benefits, social security supplements, and workers compensation.

"(p) The term 'other welfare benefits' means benefits provided pursuant to a welfare plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)) and similar government-sponsored benefits, other than income replacement benefits.

"(q) The term 'present value' means the current equivalent value of any stream of current or future payments or receipts, discounted on the basis of assumptions consistent with generally accepted practice in the actuarial profession.

"(r) The term 'similarly situated individuals' means individuals similar in all other relevant aspects of the employment relationship.".

SEC. 5. RULES AND REGULATIONS.

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

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall apply only to conduct occurring more than 180 days after the date of enactment of this Act.

(b) COLLECTIVE BARGAINING AGREEMENTS.—

(1) IN GENERAL.—In the case of employee benefits that are provided pursuant to one or more collective bargaining agreements, this Act and the amendments made by this Act shall not apply to conduct occurring before the earlier of—

(A) the date of expiration of the last to expire of the collective bargaining agreements pursuant to which the benefits are provided and that are in effect on the date of enactment of this Act; or

(B) the date that is 24 months after the date of enactment of this Act.

(2) BENEFITS PROVIDED TO MEMBERS AND NON-MEMBERS.—For the purposes of this subsection, employee benefits provided pursuant to a plan that covers both employees who are members of a collective bargaining unit and employees who are not members of a collective bargaining unit shall be considered to be maintained pursuant to a collective bargaining agreement if at least 25 percent of the plan participants are members of one or more collective bargaining units to which an applicable collective bargaining agreement applies.

(c) STATE EMPLOYEE BENEFIT ARRANGEMENTS.—

(1) IN GENERAL.—In case of employee benefit arrangements in effect under State law on the date of enactment of this Act, except as provided in paragraph (2), this Act and the amendments made by this Act shall apply beginning on the earlier of—

(A) the adjournment sine die of second subsequent session of the appropriate State legislature; or

(B) the date that is 2 years after the date of enactment of this Act.

(2) DISABILITY BENEFITS.—In the case of any change required by this Act or an amendment made by this Act in a State or local government plan that provides disability or disability benefits, the change shall apply only to an individual hired after the change becomes effective.

(d) CONTINUED BENEFIT PAYMENTS.—Notwithstanding any provision of this section, on and after the effective date of this Act and the amendments made by this Act (as determined in accordance with subsections (a), (b), and (c)), this Act and the amendments made by this Act shall not apply to a series of benefit payments that began prior to the effective date and that continue after the effective date pursuant to an arrangement that was in effect on the effective date.

AMENDMENT NO. 2695

At the appropriate place in the amendment, insert the following: "Nothing herein shall be construed as requiring that Medicare-eligible retirees are entitled to the same benefits as non-Medicare eligible retirees.".

AMENDMENT NO. 2696

On page 4 of the amendment, lines one and 3, strike the word "individual" and insert the word "worker" in lieu thereof.

AMENDMENT NO. 2697

At the appropriate place insert the following:

( ) SPECIAL PROVISION FOR STATES AND LOCAL SUBDIVISIONS REQUIRED TO RAISE TAXES TO COMPLY.

(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, if any State government or political subdivision of a State must raise taxes to bring one or more of its employee benefit programs into compliance with this Act, this title and the amendments made by this title shall not apply to that program until the date that is four years after the date of enactment of this Act.

(2) CERTIFICATION BY GOVERNOR OF AFFECTED STATE.—Paragraph (1) shall apply to any employee benefit program where, within six months of the date of enactment of this Act, the Governor of the State having jurisdiction over such program has certified to the Equal Employment Opportunity Commission that the only feasible means for bringing the program into compliance with this Act is through some type of tax increase.

(3) STUDY OF FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS.—One year from the date of enactment of this Act the Equal Employment Opportunity Commission shall transmit a report to Congress analyzing the fiscal impact of this Act on state and local governments. This study shall identify the type and amount of any tax increase any state or subdivision of a state is required to impose to comply with this Act as well as any other effects of the Act on State and local governments.

AMENDMENT NO. 2698

On page , add the following text to section 4(f) of the amendment:

"(2)(C) to observe the terms of a bona fide employee benefit plan where death benefits payable on behalf of a deceased retired employee are less than the death benefits of a deceased employee who has not retired;

"(4) to provide benefit improvements to current employees without extending them on an equal or cost equivalent basis to previously retired employees;

"(5) to observe the terms of a retiree health benefits plan which assumes that its eligible retirees have enrolled in Medicare, Part B and does not pay for benefits that would be paid under the Part B coverage,

provided that the plan must provide for the payment of the eligible retirees' premiums for part B coverage."

AMENDMENT No. 2699

On page 5, add the following between lines 13 and 14: "the attainment of a minimum age as a condition of eligibility for normal or early retirement benefits, including a retirement age that may vary with service credit; or".

AMENDMENT No. 2700

On page 12, line 23, after the period, add the following sentence: "The election of coverage under the new disability benefits shall be irrevocable.".

AMENDMENT No. 2701

On page 5, strike paragraph (k).

AMENDMENT No. 2702

On page 9, line 15; strike the word "consultation" and substitute in lieu thereof the word "coordination".

AMENDMENT No. 2703

On page 14, add the following new subparagraph before paragraph (d):

(D) EMPLOYEE.—The term "employee" means, with respect to the election provided in paragraph (2), only employees in active service as of the

AMENDMENT No. 2704

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)(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 worker is no less than that made or incurred on behalf of a younger worker, 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 purpose of prohibiting arbitrary age discrimination in employment,

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 except that nothing in this bill shall be construed as requiring that Medicare-eligible retirees are entitled to the same benefits, after taking into account Medicare benefits, as non-Medicare eligible retirees;

An employer, employment agency, or labor organization acting under paragraph (1) 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) 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 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 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.

"(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 (A) paid to

the individual that the individual voluntarily elects to receive;

(B) for which an employee is eligible and that are not reduced on account of the age of the employee; or (C) that are paid pursuant to Internal Revenue Code Section 401(a)(9).

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 180 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) CONTINUED BENEFIT PAYMENTS.—Notwithstanding any provision of this section, on and after the effective date of this title (as determined in accordance with subsections (a), (b), and (c) this title and the amendments made by this title shall not apply to any benefit payments that began prior to the effective date and that continue after the effective date pursuant to an arrangement that was in effect on the effective date.

(e) 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)(a-b) or (2)(a-e) 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.—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.

MOTOR VEHICLE FUEL EFFICIENCY ACT

LEVIN AMENDMENT NOS. 2705 THROUGH 2709

(Ordered to lie on the table.)

Mr. LEVIN submitted four amendments intended to be proposed by him to the bill (S. 1224) to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes, as follows:

AMENDMENT No. 2705

On page 27, line 11, strike out the quotation marks and the last period.

On page 27, between lines 11 and 12, insert the following:

"AUTOMOBILE SAFETY

"SEC. 517. (a) Within 30 days after the date of enactment of this section, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall commence a comprehensive study of the effects of implementing the average fuel economy standards in sections 514 and 515 on automobile safety. The study required by this section shall be completed by no later than January 1, 1992.

"(b) If the Secretary determines that implementation of the average fuel economy standards in sections 514 and 515 is likely to have a negative impact on automobile safety, he shall modify such standards to reflect the maximum average fuel economy levels that the Secretary determines can be achieved without a negative impact on automobile safety.".

AMENDMENT No. 2706

On page 27, line 11, strike out the quotation marks and the last period.

On page 27, between lines 11 and 12, insert the following:

"IMPACT ON VEHICLE SIZE AND WEIGHT

"SEC. 517. (a) Within 30 days after the date of enactment of this section, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration and the Administrator of the Environmental Protection Agency, shall commence a comprehensive study of the effects of implementing the average fuel economy standards in sections 514 and 515 on the average size and weight of covered vehicles. The study required by this section shall be completed by no later than January 1, 1992.

"(b) If the Secretary determines that implementation of the average fuel economy standards in sections 514 and 515 cannot be met without reductions to the average size and weight of covered vehicles, he shall modify such standards to reflect the maximum average fuel economy levels that the Secretary determines can be achieved without such reductions in vehicle size and weight.".

AMENDMENT No. 1707

On page 25, line 2, strike out "Any time after the beginning of fiscal year 1995, the" and insert "The".

AMENDMENT No. 2708

On page 25, lines 4 and 5, strike out "for model year 2001 and thereafter".

AMENDMENT No. 2709

On page 26, line 1, beginning with the comma, strike out all through "1988" on line 5.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing entitled "Profiles in Aging America: Meeting the Health Care Needs of the Nation's Black Elderly."

The hearing will take place on Friday, September 28, 1990, beginning at 9:30 a.m. in Room 216 of the Hart Senate Office Building.

For further information, please contact Portia Mittelman, Staff Director at (202) 224-5364.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that in addition to the other measures scheduled to be considered at the previously announced September 27 hearing of the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, the subcommittee will receive testimony on S. 3048, a bill to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor. The hearing will begin at 2 p.m. in room 366 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, at 2 p.m. to hold a closed hearing (which will open) regarding the Post-United Nations Agreement: Prospects for Peace in Cambodia.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 19, 1990, at 10 a.m. to hold a hearing on the scope and effects of foreign influence on U.S. policy decisions.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, September 19, 1990, at 9 a.m. to conduct a hearing on the condition of housing in Hawaii and at 10 a.m. to conduct a roundtable hearing on the Real Estate Settlement Procedures Act [RESPA].

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 19, 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.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 2 p.m. Wednesday, September 19, 1990, for a hearing to receive testimony concerning S. 2674, to provide for the reestablishment of the gray wolf in Yellowstone National Park and the Central Idaho Wilderness Areas.

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

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, September 19, 1990, at 9:30 a.m. The committee will hold a hearing to examine various tax issues and their impact on small business.

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

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 19, beginning at 10 a.m., to conduct a hearing on the status of the Superfund Cleanup Contracting Program and its relationship to surety bonding issues.

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1991

The text of H.R. 5311, making appropriations for the District of Columbia, and for other purposes, as passed by the Senate on September 18, 1990, is as follows:

H.R. 5311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1991, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1991, $430,500,000: *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 4,430, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Hospital Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), $10,000,000.

CRIMINAL JUSTICE INITIATIVE

The $70,300,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1989, and September 30, 1991, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison: *Provided,* That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further,* That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison.

DRUG EMERGENCY

For a Federal contribution to the District of Columbia, $26,708,000, to remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.

COMMISSION ON BUDGET AND FINANCIAL PRIORITIES

For payment to the District of Columbia for expenses incurred in fiscal year 1990 and fiscal year 1991 by the Commission on Budget and Financial Priorities, up to $1,000,000: *Provided,* That such funds shall become available only when equally matched with District funds.

DEPARTMENT OF ADMINISTRATIVE SERVICES

For a Federal contribution to the District of Columbia for the Department of Administrative Services, $1,000,000.

BOARD OF EDUCATION

For a Federal contribution to the District of Columbia, $15,080,000, of which $10,000,000 shall be for maintenance improvements and emergency repairs to public school facilities, $1,000,000 shall be for renovations to public school athletic and recreational grounds and facilities, $80,000 shall be for the D.C. Schools Project for immigrant children, $1,000,000 shall be for expansion of the early childhood program, and $3,000,000 shall be for teacher pay raises.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

For a Federal contribution to the District of Columbia for the After School Kids Program, $160,000; for the Social Services Division, $860,000; and, for counsel for Child Abuse and Neglect Program fees, $400,000.

DISTRICT OF COLUMBIA GENERAL HOSPITAL

For a Federal contribution to the District of Columbia General Hospital, $5,000,000.

DEPARTMENT OF HUMAN SERVICES

For a Federal contribution to the District of Columbia, $2,850,000, of which $350,000 shall be to develop a program for boarder babies and children of substance abusers, $500,000 shall be to develop a residential aftercare program for pregnant substance abusers, $1,500,000 shall be for outpatient aftercare for pregnant and the general recovering addict population, and $500,000 shall be for a program for early detection of breast and cervical cancer to be conducted by a independent organization or institution of national prominence.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the District of Columbia for payment to the Children's National Medical Center for a cost-shared National Child Protection Center, $4,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $113,879,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated $9,077,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $818,000 shall be derived from the general fund and not to exceed $8,259,000 shall be derived from the earnings of the applicable retirement funds: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That of the Indirect Cost Allocation distributed by the District government, no less than $500,000 shall be provided to the Department of Administrative Services and no less than $500,000 shall be provided to the Office of Personnel.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $135,541,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Finance Agency that are in excess of the amounts required for debt service, re-

serve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia: *Provided further,* That up to $275,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single-room occupancy initiative.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $920,583,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1991, shall be available for obligations incurred under that Act in each fiscal year since inception in the fiscal year ending September 30, 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1991, shall be available for obligations incurred under that Act in each fiscal year since inception in the fiscal year ending September 30, 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective September 30, 1989 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1991, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the United States Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1991, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: *Provided further,* That at least 21 ambulances shall be maintained on duty 24 hours per day, 365 days a year: *Provided further,* That the staffing levels of each two-piece engine company within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect: *Provided further,* That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Firefighting Division of the Department: *Provided further,* That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as published in the District of Columbia Register for July 25, 1986 (33 DCR 4453a): *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved: *Provided further,* That $17,630,000 for the Metropolitan Police Department and $2,600,000 for the District of Columbia Superior Court shall remain available until expended.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $738,240,000, to be allocated as follows: $530,764,000 for the public schools of the District of Columbia; $21,000,000 for pay-as-you-go capital projects for public schools; $81,200,000 for the District of Columbia Teachers' Retirement Fund; $76,913,000 for the University of the District of Columbia; $20,378,000 for the Public Library; $3,527,000 for the Commission on the Arts and Humanities; $3,940,000 for the District of Columbia School of Law; and $518,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That the amount allocated under this title for the public schools shall be increased, dollar for dollar up to $36,400,000, by the amount the annual Federal payment for fiscal year 1991 is increased above the current $430,500,000 Federal payment in fiscal year 1990: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1991, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That under this heading for the fiscal year ending September 30, 1991, the Public Library shall be considered a statutorily independent agency and thus shall be exempted from any and all across-the-board rescissions that may be applied to agencies under the control of the Mayor.

HUMAN SUPPORT SERVICES

Human support services, $876,240,000: *Provided,* That $20,848,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That of the funds provided for the D.C. General Hospital subsidy, $646,000 shall be used to provide health care to homeless persons: *Provided further,* That of the funds provided for the provision of emergency shelter services in the Department of Human Services, three-fourths of the funds shall be available solely for allocation to a legally constituted private nonprofit organization in the District as defined in section 411(5) of the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 495; 42 U.S.C. 11371(5)): *Provided further,* That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services, if the District would not be qualified to receive reimbursement pursuant to the McKinney Act (42 U.S.C. 11301 et. seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $229,482,000: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further,* That any unobligated funds from the school transit subsidy shall be applied solely to the repayment of the general fund accumulated deficit.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $8,383,000: *Provided*, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual Convention Center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, space note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $252,740,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $213,403,000 general fund accumulated deficit as of September 30, 1989, $20,000,000, of which not less than $18,287,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both): *Provided*, That if the Federal payment to the District of Columbia for fiscal year 1991 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, approved December 12, 1985), as amended, the percentage (if any) by which the $20,000,000 set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order: *Provided further*, That all net revenue the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia et al., CA 10080-87 (court order filed November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $13,028,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,112,000.

SUPPLY, ENERGY, AND EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized supply, energy, and equipment appropriations and expenditures within object class 20 (supplies), 30a (energy), and 70 (equipment) in the amount of $10,000,000, within one or several of the various appropriation headings in this Act.

PERSONAL SERVICES ADJUSTMENT

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14 in the amount of $10,000,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $323,322,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $15,962,000 shall be available for project management and $17,521,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use by each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That $21,000,000 for the public school system, $392,000 for the Department of Recreation and Parks, and $2,208,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1992, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1992: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $226,209,000, of which $36,608,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $28,730,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That $39,609,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,600,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $1,700,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said pur-

pose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personnel compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1991, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 39,262.

SEC. 111. SOLID WASTE DISPOSAL.

The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end of subtitle D the following:

"SEC. 4011. (a) AUTHORIZATION OF STATES TO REGULATE SOLID WASTE IN INTERSTATE COMMERCE.—(1) Each State is authorized to enact and enforce laws imposing and collecting fees or other charges in connection with the treatment and disposal within such State of solid waste generated in another State. Any State imposing and collecting any such fee or charge may, in connection therewith, differentiate between two or more States in which solid waste is generated, and may differentiate between any such State of origin and the fees or charges which it enforces and collects, if any, in connection with the treatment and disposal of waste generated within its geographical boundaries.

"(2) On and after the submission to the Administrator of the Environmental Protection Agency of a certification in accordance with paragraphs (3) and (4), each State is authorized to enact and enforce laws regulating the treatment and disposal of solid waste within such State, including laws imposing a ban on the importing into such State or any part thereof, of solid waste for its treatment or disposal, or laws otherwise regulating the importing into such State of solid waste for its treatment or disposal.

"(3) Any State, either directly or through regional or local planning units as may be established under section 4002(a)(1) of this Act, which has adopted a 20-year solid waste management plan may submit a statement to the administrator certifying the solid waste treatment and disposal capacity of such State pursuant to paragraph (4). The solid waste management plan shall include, at a minimum the following:

"(A) the amount of municipal and commercial solid waste by waste type, and waste residuals, which are reasonably expected to be generated within the State or accepted for treatment or disposal from another State during the ensuing 20-year period;

"(B) a statement of the volumes of solid waste expected to be reduced by the State submitting such plan through source reduction and recycling;

"(C) the State's existing capacity to manage such amount of waste by treatment or disposal facilities which meet existing environmental standards; and

"(D) the methods by which the State plans to have new capacity available by its planning dates.

"(4) The Governor of each State which has adopted a 20-year management plan pursuant to paragraph (3) of this section, may certify to the Administrator that such State, based on its plan, or on agreements made with any State or States, has identified adequate capacity to manage all solid waste generated in that State with the plan, and received pursuant to any such agreement, for the next following 60-month period.

"(b) LIMITATION.—Nothing in this section shall apply to—

"(1) any waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of this Act (42 U.S.C. 6921);

"(2) any solid waste, hazardous waste, hazardous substance, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9604 and 9606, respectively) or a corrective action taken under this Act;

"(3) any hazardous chemical substance or mixture regulated under section 6(e) of the Toxic Substance Control Act (15 U.S.C. 2605(e));

"(4) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or otherwise diverted from solid waste, and that has been transported into such State for the purposes of recycling or reclamation;

"(5) any nonhazardous solid waste produced by an industry that is transported for the purpose of treatment, storage, or disposal to a facility owned or operated by the original generator of the waste.

"(c) INTERSTATE COMPACTS.—The consent of Congress is given to 2 or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for cooperative efforts and mutual assistance for the management of solid waste, and the approval of Congress is given to any such agreement or compact so entered into.

"(d) EPA AUTHORITY.—The Administrator of the Environmental Protection Agency shall have the authority to propose and promulgate regulations exempting waste types or recycling practices from the authority granted in this section, if the Administrator determines that such action promotes the development of an interstate market for recyclable materials or is necessary to promote environmentally sound waste disposal practices. Any person may petition the Administrator to propose such regulations and the Administrator shall solicit and consider public comments before making any final determination under this subsection.".

SEC. 112. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 113. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1992, shall be transmitted to the Congress no later than April 15, 1991.

SEC. 114. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health serv-

ice. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 120. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 123. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 126. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1990 shall be deemed to be the rate of pay payable for that position for September 30, 1990.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 127. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 128. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 129. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1991, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1991 revenue estimates as of the end of the first quarter of fiscal year 1991. These estimates shall be used in the budget request for the fiscal year ending September 30, 1992. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 130. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking out "sold before October 1, 1990" and inserting in lieu thereof "sold before October 1, 1991".

SEC. 131. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 132. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 133. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 134. Section 133(e) of the District of Columbia Appropriations Act, 1990 is amended by striking "December 31, 1990" and inserting "December 31, 1991".

SEC. 135. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 136. For the fiscal year ending September 30, 1991, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 137. The proviso under the heading "Public Works" in the Dire Emergency Supplemental Appropriation for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990, approved May 25, 1990 (Public Law 101-302; 104 Stat. 241), shall remain in effect until September 30, 1991.

SEC. 138. None of the funds appropriated in this or any other Act be used for lobbying expenses related to District of Columbia Statehood or for "shadow representation."

SEC. 139. (a) Enhanced Penalties for Use of a Firearm During Commission of a Crime of Violence or Drug Trafficking Crime.—The Act of July 8, 1932 (47 Stat. 650, chapter 465) is amended by inserting after section 2 the following new section:

"SEC. 2a. (a) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device)—

"(1) possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for not less than 10 years without release;

"(2) discharges a firearm with intent to injure another person, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for not less than 20 years without release; or

"(3) possesses a firearm that is a machinegun, or is equipped with a firearm silencer or firearm muffler shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for 30 years without release.

"(b) In the case of a second conviction under this section, a person shall be sentenced to imprisonment for not less than 20 years without release for possession or not less than 30 years without release for discharge of a firearm, and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to life imprisonment without release.

"(c) In the case of a third or subsequent conviction under this section, a person shall be sentenced to life imprisonment without release. If the death of a person results from the discharge of a firearm, with intent to kill another person, by a person during the commission of such a crime, the person who discharged the firearm shall be sentenced to life imprisonment without release.

"(d) Notwithstanding any other law, a court shall not place on probation or suspend the sentence of any person convicted of a violation of this section, nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used. No person sentenced under this section shall be eligible for parole, nor shall such person be released for any reason whatsoever, during a term of imprisonment imposed under this section.

"(e) For the purposes of this section, a person shall be considered to be in possession of a firearm if—

"(1) in the case of a crime of violence, the person touches a firearm at the scene of the crime at any time during the commission of the crime; and

"(2) in the case of a drug trafficking crime, the person has a firearm readily available at the scene of the crime during the commission of the crime.

"(f) This section has no application to a person who may be found to have committed a criminal act while acting in defense of person or property during the course of a crime being committed by another person (including the arrest or attempted arrest of the offender during or immediately after the commission of the crime).

"(g) In a case in which an offender may be sentenced under either this section or any other provision of law, the offender shall be sentenced to a term of imprisonment under the provision that authorizes imposition of the longer term of imprisonment.".

(b) MANDATORY MINIMUM PENALTIES FOR DISTRIBUTION OF ILLEGAL DRUGS TO MINORS AND EMPLOYMENT OF MINORS IN DRUG TRAFFICKING.—Section 408 of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Code 33-546) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding subsection (a), and except to the extent a greater minimum sentence is otherwise provided by law, a term of imprisonment under section 406 or 407 for a first offense shall be not less than 10 years without release, and for a second offense shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be placed on parole or released for any reason whatsoever during the term of such sentence.". This subsection shall not apply in the circumstances described in section 401(b)4 of the Controlled Substances Act (21 U.S.C. 841(b)4).

(c) MANDATORY LIFE IMPRISONMENT FOR THREE-TIME OFFENDERS.—Section 401 of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Code 33-541) is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this section, section 408, or any other law, a person who commits a violation of this section involving a controlled substance of a kind and in an amount described in section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841) or commits a violation of section 406 or 407 or commits a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with this section. For purposes of this subsection, the term 'crime of violence' means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 140. The Perinatal Abstinence Project located at 3551 Sixteenth Street, Northwest shall not require a certificate of occupancy, pursuant to Public Law 100-430, 100 Stat. 1619.

SEC. 141. None of the funds appropriated by this Act may be used for expansion of the "I-95 Sanitary Landfill" until (1) completion of an environmental impact statement which shall be contracted for by March 31, 1991, and (2) the parties to the December 7, 1987 I-95 Landfill Memorandum of Understanding agree to share the cost of the study proportionate with their projected usage of the Landfill expansion through its estimated life: *Provided further,* That none of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal in any State until the appropriate State agencies have issued the required permits.

SEC. 142. Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c)(1) Nothing in this Act shall be constructed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches, or trains any juvenile, or holds out any adult as a role model, mentor, or companion to any juvenile, of any adult homosexual, bisexual, or heterosexual person who has been convicted of or is charged with a sexual offense with a juvenile, or who otherwise poses a threat of engaging in sex with a juvenile or otherwise sexually abusing a juvenile; and

"(2) Nothing in this Act shall be constructed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation or any adult homosexual, bisexual, or heterosexual person in any voluntary program or activity that educates, coaches, or trains any juvenile or holds out an adult as a mentor, or companion to a juvenile, if the parent or guardian of said juvenile objects to the participation of such person based on the person's sexual orientation."

SEC. 143. (a) Up to 75 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1991 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) If any of the 75 light duty positions that may become vacant under subsection (a) are filled, a civilian employee shall be hired to fill that position or shall be filled by an officer or member of the Metropolitan Police Department for a temporary period of time.

(d) The limited duty policy of the Metropolitan Police Department shall be that in effect prior to July 8, 1990, unless ordered by the relevant court.

SEC. 144. Notwithstanding any other provision of law, the Task Force on Substance Abusing Pregnant Women and Infants Exposed to Maternal Substance Abuse During Pregnancy shall report no later than March 29, 1990.

SEC. 145. Section 103 of the District of Columbia Human Rights Act, effective Dec. 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2503 (1981 edition)) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c)(1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual person or adult bisexual person in any program or activity that—

"(A) educates, coaches, or trains any juvenile, or

"(B) holds out the adult as a role model, mentor, or companion to any juvenile.

"(2) for purposes of this subsection, the word 'juvenile' means a person who has not attained the age of 18 years.".

This Act may be cited as the "District of Columbia Appropriations Act, 1991".

ADDITIONAL STATEMENTS

HUMAN SERVICES REAUTHORIZATION ACT

● Mr. SIMON. Mr. President, I commend the Senate for its action yesterday in approving the Human Services Reauthorization Act, H.R. 4151. The programs continued and expanded by this bill are central to the Federal Government's commitment to meeting basic human needs, and helping to eliminate poverty and illiteracy through education. I would like to briefly discuss a few of these programs.

HEAD START

I am pleased with the 4-year extension of the Head Start Program. This has clearly been one of our most effective initiatives, and one that we should continue to expand. Under the Senate bill, by the end of the fourth year, if fully funded, Head Start will be reaching 100 percent of all eligible the 3- and 4-year-olds and 30 percent of all eligible 5-year-olds. This will be a remarkable achievement for America's youngest students and for America's education system. There is no question that investment in Head Start is one of the smartest and most cost-effective investments we can make in our children.

I continue to be concerned about the generations of "crack babies" that are just starting to enter a number of programs, including Head Start. I am now hearing from Head Start teachers and administrators in Illinois who feel helpless, without the funds and without the understanding of the unique problems these children may be facing. We need to be sure that those providing services to these children and their families understand well the emotional and learning disabilities these children battle. Teachers tell me that these children are exhibiting problems and behaviors that are different from those they have seen in children exposed to alcohol or other substances during pregnancy.

The Head Start reauthorization allows for a quality improvement fund. These moneys are to be used for salary enhancement, efforts to reduce the student/teacher ratio, structural and technical changes in facilities and/or instruction. But the money can also be used to train Haed Start personnel to identify and address problems of kids from dysfunctional families, children who have experienced chronic violence or children from families with histories of substance abuse. We need to give both Head Start personnel and Head Start families our best effort to address these problems as early as possible and help channel families to other avenues of support.

I applaud the work that has gone into extending and expanding the Head Start Program and feel confident that it will continue to be a highly successful and cost-effective program in the coming years.

FOLLOW THROUGH

Mr. President, when I introduced the bill to reauthorize and expand the follow through Program—S. 2736, incorporated into this measure—I pledged to work with the members of the committee to address a number of concerns about the way the program currently operates. I am pleased that we were able to accomplish that goal and the program was included in the Senate version of H.R. 4151 without opposition.

Follow Through is a unique, model program. It takes disadvantaged children, most of whom were involved in Head Start before they entered elementary school, and works to ensure that they continue to make developmental gains. Its unique design, pairing educational researchers with schools, allows a variety of approaches to be tested and improved. The Department of Education says that the models currently in operation are proven effective.

Despite its effectiveness, however, the Federal Government has not always been kind to Follow Through. Originally conceived as a direct services program, tight budgets forced cuts in appropriations, basically turning it into a demonstration program. Limited funding has also stopped the creation of new models. H.R. 4151 makes a number of changes to address these and other issues:

Dissemination.—Additional funding is authorized, and schools must take over the program from the sponsors after 5 years, freeing up funds for new schools. In addition, the Secretary of Education must ensure that schools can receive, free of charge, information about the Follow Through approaches from the National Diffusion Network.

Parent participation.—The local parent committee must approve the application for funding, and the program must provide for the direct participation of parents.

Comprehensive services.—Grants must be of a sufficient size to provide the comprehensive services contemplated by the Follow Through Act, and the schools must coordinate with the local Head Start providers.

Chapter 1 coordination.—Schools with a high concentration of disadvantaged and former Head Start students would have a priority in receiving Follow Through funding. In those schools, all childen could be served by the Follow Through Program, not just former Head Start participants.

New programs.—At least 10 percent of the funds would be available for the development of new model approaches for continuing the gains of Head Start.

Accountability.—Applicants must describe the expected or, if possible, the actual impact of the Follow Through services on the school program.

Past partisan squabbles over the Follow Through Program severly stunted its growth, but where it still operates, it is a program full of life and hope. I am hopeful that this first bipartisan agreement on Follow Through in more than a decade will bring about some new growth, spreading that life and hope to more schools.

In developing this agreement, I have had considerable assistance from a number of members of the Committee on Labor and Human Resources, and I would like to especially thank my colleague from Kansas, Mrs. KASSEBAUM, for her helpful suggestions and her support.

LOW-INCOME HOUSING ENERGY ASSISTANCE PROGRAM

Mr. President, as the crisis in the Middle East continues through the fall and winter months, the need for the Low-Income Energy Housing Assistance Program [LIHEAP] increases. Unfortunately, we don't hear about the importance of this program until the news covers a story about children who were trapped and killed in their home due to a fire that was started by a space heater. The family was using the space heater as their sole source of heat because they couldn't afford heating costs. Last year's record-breaking cold forced many elderly and poor, in Illinois and around the country, to decide between eating and heating their homes. In our great Nation, how can we let this continue?

LIHEAP helps millions of low-income households around the country to keep from freezing in the winter and boiling in the summer, but currently serves only one-fourth of eligible households. In Illinois, more than 84 percent of families that receive energy assistance have annual incomes of $6,000. As a percentage of income, these families spend four times as much as average families do for heat. In addition, LIHEAP funding has been on the decline since 1985, and the administration's proposed budget would have cut funding and additional 25 percent.

Mr. President, there is some light to this story, and that is the 4-year extension of LIHEAP. I commend my colleague, Senator DODD, for his hard and diligent work on this issue. The reauthorization makes some needed and important changes that will benefit the communities and families receiving energy assistance. The reauthorization provides for increased outreach and intake, phases out the authority to transfer funds from LIHEAP to other programs, and establishes an incentive fund to promote the leveraging of additional energy resources for qualified low-income households. The reauthorization also includes a modest funding increase.●

THE 300TH ANNIVERSARY FOR CHELTENHAM, PA

● Mr. HEINZ. Mr. President, I rise to pay tribute to the town of Cheltenham, PA, which celebrates its 300th anniversary this year.

I would also like to congratulate the Cheltenham 300th Anniversary Celebration committee members, who have volunteered their time and energy to prepare for this special occasion, and without whom, such a grand event could have never succeeded.

From its inception, Cheltenham and its people have epitomized American community values, thought, and dreams. Cheltenham was first settled in 1681 on a 250-acre land grant purchased by Nehemiah Mitchell from William Penn. Only 9 years later, in 1690, Richard Dungworth purchased 6.5 acres along a stream and built a gristmill. Over the years, many mills followed and the town that sprung up appropriately came to be known as Milltown, PA. Not long after this early industrial success, the residents of Milltown requested a post office. However, because Pennsylvania already had a town named Milltown, the request was denied. This minor setback did not halt progress by resourceful residents who, in 1855, changed the name of their town to Cheltenham, a name derived from a city in England from where two of the town's residents hailed.

With a permanent identity established, Cheltenham continued to develop and grow through the balance of the 19th century and up to the present day. The community has seen great change: The advent of electric power at the turn of the century outmoded certain of its industries that were dependent on local creek flow for power, and other industries waxed and waned, as well. But for all of these changes, Cheltenham remained a people dedicated to each others' welfares and the nurturing of the best of American life and values in its children.

Mr. President, Cheltenham still remains a beautiful and exciting town, and the citizens' civic pride is evidenced by their commitment to preserving the town in all its historic splendor. As the community of Cheltenham celebrates its 300th anniversary, I ask my colleagues to join me in extending my best wishes to them for a happy celebration and a very prosperous future.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Timothy Trenkle, a member of the staff of Senator NANCY LANDON KASSEBAUM, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs [MOFA], from August 18-25, 1990.

The committee has determined that participation by Mr. Trenkle in the program in Korea, at the expense of the Ministry of Foreign Affairs (MOFA], is in the interest of the Senate and the United States.●

SALUTE TO JOHN C. VILLFORTH

● Mr. SARBANES. Mr. President, on September 1, John C. Villforth, an outstanding public servant, retired from the Food and Drug Administration where he served our country with distinction for nearly three decades. In that time, Assistant Surgeon General John C. Villforth has given tirelessly of himself as the leader of FDA's radiological health and medical device organizations.

In the radiological health field, Mr. Villforth is a legendary figure. His career began in 1954 with the U.S. Air Force as a sanitary and industrial engineer and commander of the USAF radiological health laboratory. After 7 years of service in the Armed Forces, Mr. Villforth was commissioned in the U.S. Public Health Service, where his career in public health took root. He worked his way up the ranks in what was the National Center for Radiological Health. In 1969, he was named director of the successor organization—the Bureau of Radiological Health, which had been made part of the FDA and whose mission was reshaped by landmark radiation protection legislation passed by the Congress the year before. As a result of the technological revolution of the 1970's and 1980's, we have all become increasingly aware of the potential radiation hazard from a variety of products, including microwave ovens, color TV's medical and dental x-ray machines, video display terminals, lasers used in entertainment and medical treatment, artificial tanning devices, CT scanners, magnetic resonance imagers, to name just a few. These marvels of technology have profoundly altered the quality and conduct of Americans' daily lives. But like most things in life, these pioneering advances are not totally risk-free. Consequently, we have relied on Government institutions to keep these risks in check and to regulate consumer products in a way that ensures the benefits of their use outweigh public health risks.

Mr. Villforth has carried out this task in outstanding fashion. As the radiological health program matured, Mr. Villforth gained the reputation for being more than just a regulator of products. he was a motivator of people. His efforts to increase public awareness of medical radiation risks and to stimulate the medical community to reevaluate the necessity for routine and high-dose x-ray examination were highly successful.

Mr. Villforth's record of achievement in the radiological health area earned him recognition and respect at the highest levels of the Department of Health and Human Services. In 1976, he was promoted to the rank of Assistant Surgeon General by then-Surgeon General Ehrlich and was appointed as the PHS Chief Engineer from 1985 to 1989 by former Surgeon General Koop. In 1979, former Secretary Califano called on him to serve as the coordinator of the Department's emergency response to the Three Mile Island accident. And in 1982, former Secretary Schweiker looked to Mr. Villforth to head FDA's newly established Center for Devices and Radiological Health.

In taking on these assignments, Mr. Villforth spearheaded the Department's involvement in off-site environmental monitoring and the FDA's testing of food and commodities and raw milk samples to assure they had not been adversely affected by the incident. These surveillance efforts provided the basis for important public health advisories by the Federal Government and officials in Pennsylvania and neighboring States.

In the area of medical devices, Mr. Villforth has demonstrated far sightedness in his management approach. He has effectively blended the talents of his radiation and medical device scientists and regulatory professionals to form a cohesive program with a common mission. He recognized that because of resource limitations, priorities had to be set. He streamlined administrative procedures without compromising the integrity of the premarket review process or sacrificing the quality of new devices entering the marketplace. He strengthened the science base of the new Center and increased the utility of its scientists in the premarket review of new devices and in varoius risk assessment initiatives.

Mr. Villforth also drew upon his successes in the radiation area to launch a wide-ranging educational program to enhance clinical practices in anesthesiology and hemodialysis. He established an alert system to warn health care workers of defective devices and set up a national surveillance system to facilitate the identification and quick correction of malfunctioning equipment. Mr. Villforth extended his educational approach to individuals using these products for homeuse.

Mr. President, it is with sincere gratitude and respect that I recognize this fine gentleman, whose magnificent career has well served the national interest and set a standard of public service that is second to none.●

BANK INSURANCE FUND

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation offered by Mr. RIEGLE, chairman of the Senate Banking Committee, to authorize the Federal Deposit Insurance Corporation to increase deposit insurance premiums as necessary to protect the Bank Insurance Fund and the American taxpayer.

Action is required now to ensure that a taxpayer bailout of the banking system will not be the encore to the S&L bailout. The taxpayers of the United States will not tolerate paying for another multibillion-dollar bailout of moribund financial institutions.

In the last 6 months alone, Standard and Poor's has lowered its ratings of 36 U.S. bank holding companies, some more than once, and upgraded only four. This is an unprecedented number of downgrades for S&P. The problems facing the Nation's banks will only worsen in a weakening economy.

Meanwhile, a recently released General Accounting Office audit of the Bank Insurance Fund, reported that the fund is "too thinly capitalized to deal with the potential for bank failures in the event of a recession." The Bank Insurance Fund ended 1989 with a net loss of $852 million, reducing its balance to $13.2 billion. According to GAO, "not since the Great Depression has the Federal system of deposit insurance faced such a period of danger as it does today."

As the banking situation grows more severe, any number of worthwhile solutions will be presented by the administration and Congress. The Banking Committee has recently completed a series of useful hearings examining the condition of the banking industry and the health of the Banking Insurance Fund.

The legislation I cosponsor today is an excellent first step toward bolstering the BIF and safeguarding the industry as a whole. It will allow Federal regulators the flexibility to use their best judgment in responding to conditions in the banking system.

Under current law, premiums or assessments for the Bank Insurance Fund are set at 15 cents per $100 of deposits for 1991, and subsequent years. The FDIC can raise assessments above that level subject to several restrictions. First, the assessment rate cannot rise more than 7.5 cents per year, regardless of the condition of the fund. Second, the assessment rate cannot, under any circumstances, exceed 32.5 cents per $100 of deposits. Third, the assessment rate cannot be increased before January 1, 1995, so long as the fund's ratio of reserves to insured deposits is increasing on a calendar year basis.

This bill removes these restrictions, and it permits the FDIC to set the assessment rate at the level it determines to be appropriate to restore and maintain the BIF's reserves at their target level, now $1.25 in reserves for each $100 in insured deposits, with the FDIC having discretion under current law to raise it to $1.50.

When setting assessment rates, the FDIC would, as under current law, consider the fund's expected operating expenses, case resolution expenditures, and investment income, and the effect of assessment rates on banks' earnings and capital. The minimum assessment would be $1,000 per bank per year, the same as under current law.

Restoring the soundness of the Bank Insurance Fund now is the best course for protecting banks, depositors, and taxpayers.

Yet even as we permit new authority to ask all thrifts to contribute to the general pool of insurance funds in times of genuine difficulty, so we must be determined in seeking restitution from those thrifts and managers who profited unjustly from sham financial practices and abuse of depositors' trust.

If we learn nothing else from the savings and loan crisis, we must learn the principle of institutional responsibility when insolvency looms ahead. If there are risky portfolios, overexposure in risky classes of assets, or frivolous management, individual institutions and their leadership must be held accountable.

Second, the industry as a whole must accept responsibility—through the insurance mechanism—for those institutions that fail. It is not proper, however, to kill an industry by making it accountable for its poorest performers.

The American taxpayer must be last in line when it comes time to rescue insolvent institutions. Only in the most dire of circumstances should taxpayers' resources be used to correct the deficiencies of U.S. financial enterprise.

This legislation upholds the principle of institutional and industry accountability, and I urge that we take this important first step in restoring integrity and stability to the Nation's banks. I encourage my colleagues to support this important measure.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.3 billion in budget authority, and over the budget resolution by $4.2 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.8 billion, $14.8 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 17, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through September 14, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 10, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT F. HALE,
(for Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 101ST CONG. 2D SESS. AS OF SEPT. 14, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
Budget authority	1,326.1	1,329.4	−3.3
Outlays	1,169.4	1,165.2	4.2
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	3,163.0	[2] 3,122.7	−40.3
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	115.1	107.3	7.8
Deficit	114.8	[3] 100.0	14.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] The public debt limit has been increased temporarily to $3,195,000,000,000 through Oct. 2, 1990 by Public Law 101-350.

[3] Maximum deficit amount [MDA] in accordance with sec. 3(7)(E) of the Congressional Budget Act, as amended.

THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 14, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,969	791,109	
Other legislation	635,362	638,737	566

THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 14, 1990—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Offsetting receipts	−233,985	−233,985	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session:			
Dire emergency supplemental appropriations (P.L. 101-302)	2,293	666	
An act making technical amendments to title 5, U.S. Code (P.L. 101-303)		−1	
Amtrak Reauthorization and Improvement Act (P.L. 101-322)	−10		−10
Oil Pollution Act (P.L. 101-380)			−1
Customs and Trade Act (P.L. 101-382)		7	−4
Total enacted this session	2,283	672	−15
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−8	1	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−5		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−1,057	−192	
Federal unemployment benefits [FUBA]	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	31	
Vaccine improvement program trust fund	7	7	
Federal payments to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income program	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to States for AFDC work programs	15	15	
Payments to States for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−2,000		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	258	208	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	−7		
Disaster relief	−1,100	−883	
Total entitlement authority	−3,834	−371	
VI. Adjustment for economic and technical assumptions	−28,685	−26,763	−8,900

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THE CURRENT LEVEL REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS SEPT. 14, 1990—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total current level as of Sept. 14, 1990	1,326,110	1,169,400	1,060,251
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		4,200	
Under budget resolution	3,290		5,249

[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

TRIBUTE TO DR. PAUL PARKMAN

● Mr. SARBANES. Mr. President, it is with great pride that I note that Dr. Paul Parkman of Kensington, MD, has completed over 30 years of distinguished Government service. During his career, Paul Parkman has played a key role in defeating a dreaded disease that had preyed upon children and has helped facilitate the development of new therapies for some of the worst diseases that are devastating the world today.

Paul Parkman's contributions to the elimination of rubella, or German measles, are legendary. He and a handful of dedicated researchers laboriously tried time and again to isolate the rubella virus. Despite repeated failures, they persevered, and ultimately succeeded. Collaborating with other researchers at the National Institutes of Health, Paul Parkman followed up this momentous discovery with the means for detecting infection with the virus and with a vaccine that could effectively block its spread.

The world changed as a result of these efforts. Rubella epidemics no longer menaced pregnant women and their unborn children. Children who would have been born mentally or physically damaged instead grew up to lead healthy and productive lives.

Very few of us can ever hope to save one life, or to improve the quality of life for a few people. Paul Parkman was responsible for saving and improving countless lives.

Paul Parkman's work has not gone unnoticed by those who have been directly affected by his work. He has received some of the Government's highest civilian honors, including a letter of commendation from President Lyndon Johnson. Moreover, many philanthropic and health professional organizations such as the American Academy of Pediatrics, the United Cerebral Palsy Association, the Food and Drug Law Institute, and the Association for Retarded Citizens have honored Dr. Parkman for his work.

In the years which followed his remarkable achievements against rubella, Dr. Parkman continued to promote scientific progress as a researcher and as a senior administrator. As the Director of the FDA's Center for Biologics Evaluation and Review, Dr. Parkman was at the forefront of many of the most important advances in medicine. During his tenure there, biologic treatments for cancers, AIDS-related diseases, and other life-threatening or serious conditions were approved as quickly as possible.

Paul Parkman's commitment to the health needs of his fellow man has been the enduring theme of his career as a public servant. I am confident that in one way or another, this commitment will continue to manifest itself now that he is leaving the Government. I wish him continued success in all his endeavors and the time and energy to enjoy the happiness he so richly deserves.●

CHARLESTON'S ASHLEY RIVER SCHOOL: USING THE CREATIVE ARTS TO TEACH THE THREE R'S

● Mr. HOLLINGS. Mr. President, South Carolinians take a lot of pride in the role they have played in stimulating public education reform in recent years. What began as a top-down campaign to revitalize public education in our State has taken on a life of its own, inspiring a remarkable range and variety of locally initiated efforts. A superb case in point is Ashley River School in Charleston under the leadership of Principal Rose Maree Myers.

On the outside, Ashley River is no eye-catcher. This public elementary school is housed in cinder-block buildings, with several trailers to accommodate extra classrooms. What's exciting about Ashley River is its flair for combining a commitment to the basics of reading, writing, and arithmetic, with a schoolwide emphasis on the creative arts. In other words, the arts are a medium for the traditional academic message, serving to motivate the students and provide a creative context for the daily lessons. The formula works magnificently thanks to Ashley River's can-do principal and its extremely dedicated corps of teachers.

Mr. President, the Ashley River creative arts program is in its seventh year. Already it has won numerous State and national awards. In short, it works, and educators are coming from around the country to observe Ashley River in action.

Mr. President, I salute Rose Maree Myers and all the teachers at Ashley River Creative Arts Elementary School for the fine job they are doing. To better acquaint our Senate colleagues with this remarkable school, I ask that a recent article from the Sandlapper magazine titled "Who

Says Education Can't Be Fun" be reprinted in the RECORD at this point.

The article follows:

[From the Sandlapper magazine, September-October 1990]

WHO SAYS EDUCATION CAN'T BE FUN?

(By Don McKinney)

Actors do not normally write their own play, let alone compose its music and lyrics and then direct it themselves. But those responsible for "Happy in the Forest," a romantic folk tale complete with duels, dragons and a love story, were no ordinary actors. They were the members of a first grade class.

This was no hand-picked cast, either; this project was the work of a regular class at the Ashley River Creative Arts Elementary School in Charleston, a place where the extraordinary is routine.

First, it is important to make clear that Ashley River is not a school for the performing arts, like the one in New York that inspired the movie and TV series, Fame. Instead of simply teaching music, art, writing or drama, this school uses the creative arts to teach basic skills. "Creativity has been surgically removed from the teaching in most schools," says Rose Maree Myers, the school principal. "We think the creative arts are essential to learning because they make it fun for the children. And who says education can't be fun?"

This might serve as the motto of the unique school, where absences are rare and achievements are high. Now beginning its seventh year, Ashley River has won numerous state and national awards and has drawn educators from as far as Oregon to study the school's methods. At a time when SATs and other test scores are dropping all over the country, when schools are accused of failing to teach children even the basic skills and Time magazine charges that "an appalling number of America's schools are atrocious," Ashley River stands as a model of what can be done with imagination, dedication and a lot of very hard work.

While only a few schools in the country employ Ashley River's approach, Myers hopes "we won't always be unique." If she has her way, they won't be. She lectures frequently to parent and teacher groups around the state, including a number of prestigious private schools, and invites anyone to come watch her and her staff at work. Last spring she spoke to educators in Ohio and Tennessee and was the keynote speaker at one conference at which she held 45 Ph.D. directors of teacher training programs spellbound for almost five hours. Myers is convinced their methods can be adopted anywhere and, if enough people understand what they are doing and how they do it, a revolution can be launched in the way America teaches its children.

The school is not impressive to look at. Located in a relatively poor section of west Charleston, it consists of several cement block buildings and a handful of trailers that, in the days before integration, housed a black middle school and later a high school. (It was even less impressive last spring, after Hurricane Hugo caused a TV tower to fall and smash into one wing. They were scheduled to rebuild this past summer, if the money could be found.) The buildings had been condemned and were to be torn down when county Superintendent of Schools Dr. Ron McWert had an idea. He had heard of an inner city school in Milwaukee, WI, the Elm Street Elementary School, that had achieved wonders with a new approach to teaching. Charleston needed another elementary school, and instead of spending some $6 million on a new facility, McWert wondered if the old high school couldn't be adapted for that purpose.

The first thing he needed was a principal, and he found her in Myers, a former art teacher and assistant school principal who believes strongly in the importance of the creative arts in education. A slim, attractive South Carolinian of 54, she looks like the actress she started out to be before she quit to get married. "I was a fair actress," she says, "but I didn't care for living out of a suitcase." She and her husband soon had two children, and she began teaching elementary school. She left to teach art in Charleston and get her masters degree from the College of Charleston. "I began to see how you could teach math and social science through art, how the whole ball of wax comes together." She was ready to put her ideas into action.

Being a public school, Ashley River from the beginning was open on a first-come, first-served basis to any child in the district who applied; there has never been any screening to determine intelligence or creativity.

"I believe all children are creative," she says. The only selectivity was in the teachers; Myers demanded—and got—the right to hand-pick her staff.

The school has maintained a 60/40 white/black ratio, in keeping with the population breakdown of the school district, and never has lacked for pupils. Parents were skeptical at first, particularly white parents concerned about the neighborhood. But there were enough applicants to fill the quota, which is now 477 students. Keeping it full has been no problem; there is a waiting list of approximately 1,300 children, including several unborn babies.

Because Ashley River offers more than most schools in the form of materials, trips, guest speakers and other special projects, it's necessary to pay for this through private fundraising. The parents are very supportive, and there are also monies from the state and the South Carolina Arts Commission. But among their most innovative sources of support are partnerships with local businesses. Business representatives are part of the school improvement team, along with parents and teachers, and they meet regularly to plan the school's future needs; Bojangles, Coca-Cola and Piggly Wiggly have been partners for the past several years.

They also have cultural partnerships with the Charleston Symphony, The Charleston Ballet and the local Gibbes Art Gallery, and they work closely with the College of Charleston, The Citadel and Baptist College.

By every measure, the school has been an unqualified success. The student test scores are not only considerably higher than both city and state averages, but have risen steadily each year. The only problem is that students graduating from Ashley River find themselves so far ahead of students coming in from other area schools that special programs have to be prepared for them. There is considerable support from parents and administrators for a middle and high school that uses the techniques developed at Ashley River, but so far this has not happened. While they have won recognition around the country, Charleston schools have been slow to come around. "Let's face it; we are a thorn in the sides of most other schools," Myers admits.

What is it that makes Ashley River so unique? To begin with, all subjects are taught on an inter-disciplinary basis, meaning a child does not simply study math, for instance, but learns it in conjunction with all the other basic skills. In Angela Block's first grade class, when children study the human body, they practice math by learning to count and classify the bones, eventually forming a skeleton. To hone their writing skills, they write a story predicting what their bodies might be like without bones, and are encouraged to make up words that describe this boneless state. For science, they construct and label a model of the heart, and for social studies they select and draw a picture of someone in the community such as a doctor, who helps keep their bodies healthy. They learn about balanced diets and health by cutting out pictures of the four food groups. And to relate it all to the world of music, they use the spiritual "Dem Bones" to show the importance of a steady beat. Thus, in examining the parts and structure of their bodies, they practice all the learning skills and see how they relate.

"Children used to ask, 'Why do I have to learn this?'" Myers says. "By relating each part of the educational process to the whole, the teaching itself gives them the answer."

To teach fractions, a particularly difficult concept for young minds to grasp, a third grade teacher begins by having each child simply draw a line around a pie plate to form a circle. The circle is cut out and folded in half. "Well, what is this?" the teacher asks. Seeing that each part is half of the whole, the child folds the circle again and again until he or she has formed quarters and eighths.

One the children have grasped the concept of what a fraction of something is, they are asked to draw designs on the different sections of the circle and color them in, creating a kind of kaleidoscope. The gaily colored circles then are hung around the room. The child not only sees that he or she has created something new and beautiful, but in doing so has been introduced to a new concept—without ever quite realizing that a teaching process has been going on.

In a music class, Anne Cheek introduces the subject of English country dancing as it was practiced in colonial America. In addition to showing her students how the dances are done, she brings in history by telling how these dances fit into the social life of early days. Students are given books about the period, thus polishing their reading skills, and write stories imagining the lives of the people. And they get lessons on the autoharp and the recorder to see how the music was made.

In the Learning Center, a special room set aside for all children to visit each day, the subject for last spring was communications. Children learn how everyone from the most primitive societies to the most sophisticated sends messages to one another. A group of third graders were making a TV commercial, which would be shown on a local station. Other children did a talk show, and one group put on a newscast complete with a serious anchor and a jolly weatherman. On the wall, a huge, circular Aztec sun calendar showed how one early society dealt with the same problems.

In a Spanish class, second graders were dancing and singing to a Spanish tune. "Otra pied," the teacher pointed out, and a small child began a dance step with the other foot. "Muy bien," she said with a

smile. No one seemed to notice that visitors had entered the room.

In an acting class, the children were playing a kind of charades designed to show how to express themselves with their bodies. A group of three or four were given an idea to act out—rocking chair, vacuum cleaner, toll booth—and the others cried out their guesses. Given the word "bacon," one group went into paroxysms of rolling and leaping about on the floor. "Popcorn!" "River!" "Snakes!" "An earthquake!" The teacher carefully praised all, their guesses, saving her special praise for the student who got it right.

In an art class, a young girl lay on a table while two students covered her body with a sheet. An attendant put a drinking straw in her mouth and began covering her face with layers of wet, plaster-soaked gauze pads. "Can you breathe through the straw?" an attendant asked. The straw wiggled back and forth, indicating she could. More and more plaster was applied until the small face was covered completely.

The students were learning history through art. They were studying the Middle Ages, and this exercise was showing them how to make the death masks found on caskets in Gothic cathedrals. "I like it when it turns out, because it looks so cool," one student said.

On a recent visit, children were studying Africa. They all made African tribal masks and learned to make elaborate pottery. They had studied the music, plus its geography and cultural history.

In addition to using creative techniques to learn the Three Rs, the students have time set aside each day to learn music, dance, drama and art. They are clearly enthusiastic about what they are doing; on one classroom door was the legend "Our Future Is So Bright We've Got To Wear. . . ." Below it was a smiling face complete with sunglasses. They write their own plays, often adapting short stories or children's books. Even first graders learn the violin, using the Suzuki method, and others are trained in gymnastics and ballet. They buy and prepare food in a test kitchen, use computers in the Computer Lab and do scientific experiments in the Science Lab.

A Resource Center offers help for children who are not working up to their potential, and even here, the emphasis is on having fun while you learn. Several girls and boys were getting remedial work in math by means of a numbered chart on the floor, on which they leaped about, playing a kind of hopscotch.

No stigma is attached to the Resource Center, and students look forward to going there.

One of the most unusual innovations at Ashley River is a costume closet, to which any child can go on Wednesday or Friday mornings and select an outfit to be worn all day. "They can be whoever they want to be," Myers says, "and they need not tell anyone who they are." One day she saw two little girls in long, flowing gowns sashaying down the hall. One was wearing a white wig and the other giggled, "She's my grandmother." Neither seemed to notice one was white, the other black.

Little attention is paid to visitors, either by students or teachers. In fact, given her desire to expose the school to as many visitors as possible, Myers tells applicants that if they are going to be disturbed by anyone coming in the classroom, they had better go to another school.

As for the students, they are so involved in what they are doing it's hard for an outsider to distract them.

In a second grade classroom, Patty Thompson tells her visitors how their musical play had been created the year before. In the classroom behind her some students are writing, some are trying on different costumes, one little girl is dancing to unheard music; it is the end of the day, but they are all perfectly under control, each doing his or her own thing.

"We were studying fairy and folk tales," Thompson explains, "and I decided to teach the dramatic form by having them turn a west African folk tale into a play." They then decided to create their own fairy tale, calling out suggestions which Thompson wrote down. "If they'd get stuck, I'd tell them to think about it overnight and we'd continue the next day." They finished in a week, then set out to write the songs. After the poems were complete, they began composing tunes, singing them into a tape recorder. One parent scored the music, and a member of the Charleston Ballet helped the young performers choreograph their dances. When they finished, it was put on for parents and staff and then, on request, performed at the famous Piccolo Spoleto festival.

Their creative training does not stop with writing and performing. Third grade students also learn sign language and sign songs for the deaf. In addition to performing, they make videotapes which are sent to schools for children with hearing problems.

Creative writing is recognized, as well. All written assignments are bound into books, designed by the students and published for them to take home. They produce a yearbook, The Unicorn, filled with art, stories and poems. ("Spring is a time to sprout . . . and be born . . . and to see a unicorn," wrote one first grader.)

The unicorn was chosen as the school mascot in an election, and images of unicorns appear throughout the school; there are six in Myers' office alone. The plot of "Happy in the Forest" involved a wounded unicorn; the school singing group is the Unichorus and the newsletter is the Unichronicle. When Myers was selected by the Kennedy Center in Washington to be one of two school administrators from the entire country to go on a cultural exchange trip to China last fall, the students decided she had to have a special name. "She is our chief," one said. "A grand chief!" another chimed in. "We'll call her our Grand Chief Unicorn!"

They made a trip to a local Chinese restaurant to get someone to translate the name into Chinese, and discovered the Chinese have no name for "unicorn." The best they could come up with was "dragon horse." So on her office door is a sign in Chinese with Tie Tawel Lone Ma written underneath—"Grand Chief Dragon Horse." Before she left, the students built a Chinese dragon in her honor and wore it to the airport when she returned.

Also in her office is a color photograph that shows her smiling broadly with a huge red bow tied around her head. My wife asked her about it, and she laughed and said, "You have passed one of my tests. If an applicant can sit through an interview without asking about that picture, I become suspicious that they may be too timid, too uncertain of themselves, to teach in this environment. I want teachers who are comfortable with themselves and have enough self-confidence to ask me why in the world I would act in such a foolish way."

The PTA had given the school a microwave oven, she explains, and it came in a box tied with the ribbon. When the box was opened, "my silly side came out, and I just tied the ribbon around my head." She didn't know someone had snapped a picture until her teachers presented it to her the following Christmas. "Remember, we're professionals" is something she constantly tells her staff. And under the beribboned face are inscribed the words, "Remember, we're professionals."

While her hand-picked teachers are an important reason for the school's success, the relationship they have with parents is equally important. "It's tough to be a parent today," Myers says, "and our job is to help all we can."

She holds regular meetings with them to explain what the school is doing and how they can play a part. "Parents have to be partners. When a parent is there to support what the teacher is doing, it maximizes the learning for their child."

Some of these learning problems are not easy. In addition to the regular students, Ashley River has several dozen children who fall into a category known as "trainable mentally handicapped." These children are severely retarded and would face a life of total dependency, probably in an institution, without help. I watched one teacher using a computer to teach them words and numbers, and their excitement as they grasped these new ideas was obvious.

They are taught as much reading and simple arithmetic as they can absorb and are given practical training in caring for themselves, in shopping at a grocery store and in doing simple jobs. Believing "every living being deserves an opportunity," Myers hopes to teach them enough that they can function on their own.

She described one child who came from a single-parent home where the mother worked two jobs. The child could not speak when he entered kindergarten. He would not raise his head or respond to questions. A few months into his first grade year, the school began planning its annual Christmas play. One of the characters was a cardboard snowman, and the boy was asked to get inside and move about as the snowman "came to life." He not only did his part, but in the process began to come out of his shell and relate to other children. His progress has been remarkable; he's in middle school and has never repeated a grade.

One girl arrived in a wheelchair; she could not use her hands or feet, could not talk, never smiled. She still cannot speak but has learned to walk, and her smiling face shows how happy she is in this loving environment.

Does she ever think there is a child she can't help? "You can never give up on a child," she answers softly.

The school itself is proof of this. There are few problems in attendance (it runs at 97 percent), and unlike most other schools, almost none with discipline. Myers says there are no discipline problems at all with children who begin at Ashley River, but they sometimes have difficulties with children who have transferred from private schools. "These are kids who have bombed out everywhere they've been and it takes awhile to get them straightened out."

The system is simple. When a child misbehaves, the parent is telephoned or a note is sent home. "Parents have a leverage at home we don't have," Myers says, "such as TV or play privileges." Similarly, if a child is absent, the parents are called and told, "We missed your child today." This usually

uncovers the reason and leads to a prompt return.

Problem children are sent to her office, where she tries to find the reason for their behavior. There is a drawing on her wall, done by a child who had been difficult. She hopes seeing his picture on display will show him she values him and wants to be his friend. "It's hard to be tough and still let them know that you care," she says.

The evidence of her caring is shown not by the long waiting list of children whose parents want them admitted to Ashley River and by the repeated hugs she gets from children as she walks down the corridors, but by the awards the school and its teachers have won. These are not only city and state awards; Myers was chosen in 1988 by the Kennedy Center as one of nine outstanding elementary school administrators in the nation.

One of her most loyal supporters is Board of Education member Coleman Glaze, who is deeply concerned about the decline of education in the country and feels her approach is an important part of the solution. "We have lost more ground in the past 50 years than we care to admit," he says. "Businesses in the state have been complaining that they can't find enough qualified people to fill the available jobs. During the 1960s and '70s we didn't demand much of our children, and we didn't get much." He decided it was time to reverse this trend, which is why he backed Ashley River from the start.

"Education is a business," he says, echoing something Myers had told us earlier, "the most important business we have. We used to hire principals and teachers if they could maintain order—the old football coach mentality. Now we know they have to be instructional leaders, and she is one of the best.

"We may have had words, but Rose Maree has never lost sight of the mission."

What can parents do who aren't lucky enough to have a Rose Maree Myers as their child's principal?

"The first thing parents have to understand," she says, "is that they are the strongest force a school system has to bring about change and make quality education possible. Parents have to become involved, to learn what their role in the education of their children has to be. But before they can bring about change, they have to find out what their expectations ought to be. Then they can form support groups, bang on administration doors, keep agitating until they get what they want. They have to recognize that their children deserve a quality education, and that they are the only ones who can make it happen.

"We're teaching children not only to read and write, but to think. The methods we've been using in our schools have been outmoded for a long time. Now we have to start preparing our children for the world we live in today."

(Don McKinney is a former magazine editor who teaches magazine writing and editing at the University of South Carolina.)●

SIX AWARD-WINNING CONNECTICUT SCHOOLS

● Mr. DODD. Mr. President, I would like to salute the important work and continuing contribution of a group of fine schools across the country dedicated to excellence in education. In particular, I rise today to commend six Connecticut winners of this year's U.S. Department of Education's Elementary Recognition Program: The Bess and Paul Sigel Hebrew Academy of Greater Hartford, the Columbus-Magnet School in Norwalk, the Naubuc School in Glastonbury, the St. Brendan School in New Haven, the Tashua School in Trumbull, and the West Hill School in Rocky Hill.

It is no surprise that these six schools were recognized Monday at a White House ceremony for excellence in education; they have long exemplified what is best about education in America.

These schools were recognized for their excellence in academic achievement through responsible behavior on the part of the students, visionary leadership, a high degree of parental involvement, exhibiting a sense of shared purpose among faculty, students, parents, and the community and by providing an environment that challenges all students to learn.

These days we often hear about failing test scores and the decline of education in the United States. It's refreshing—indeed uplifting—to see examples of what can be accomplished when parents, teachers, and students join together to make the most of educational opportunities.

Mr. President, I firmly believe that the one of the greatest gifts we can give our children is the gift of knowledge. It's clear that these six schools consistently give that gift every day, and I applaud their commitment and dedication to excellence in education.●

ELLIS ISLAND REDEDICATION

● Mr. BOSCHWITZ. Mr. President, the recent rededication of Ellis Island is a vivid reminder of the rich immigrant heritage of our great Nation.

As the only immigrant serving in the U.S. Senate, I am proud of this tradition. I strongly believe that immigrants enrich our country—both culturally and intellectually.

If there is one thing that distinguishes us from other nations, it is the fact that virtually all U.S. citizens are immigrants themselves or descendants of immigrants—sons and daughters of immigrants or grandsons and granddaughters of immigrants.

Indeed, more than 100 million Americans—about 40 percent of our Nation's population—can trace their roots through someone who entered Ellis Island in the years 1892 through 1954.

Vice President QUAYLE spoke at the rededication ceremony. His remarks about the journey of millions of immigrants which took them through Ellis Island were moving.

He said:

Look out there now, to that beautiful harbor, and you can picture them—those travelers of an earlier time who spent weeks of loneliness and privation in dark, dank steerage. Picture the steamers drawing near—and suddenly hundreds of people pouring onto the decks. You can almost see how those tired eyes strained for their first glimpse of the world's symbol of freedom.

Picture them searching for the Statue of Liberty through early morning fog—or through the dazzling reflection of sunlight on this water—or through the fading glow of dusk. Lady Liberty was their personal symbol of deliverance from darkness to light, their personal welcome to the promised land where all things were possible, and all sacrifices would be redeemed.

This red-brick world of Ellis Island was their gateway—a place of almost mythic transformation. For through that door to the right surged Russians, Germans, Italians, Slavs, Greeks. But through the door to the left emerged * * * Americans.

The rededication of Ellis Island was well-covered by the media. I have seen numerous stories and pictures of the dedication ceremony and about the history of this great entry point for millions.

While I did not pass through Ellis Island on my entrance to the United States. I have heard the stories of many who did take that route. Most passed through the island in a matter of hours. While it was a bit of a complex process, they still felt comfort by finally setting foot in this land of opportunity.

Covering some 27 acres in New York within view of the Statue of Liberty, 12 million immigrants passed through this facility in a span of 32 years; 1907 was the peak year for immigration, and that is when the record was set at Ellis Island for processing over 11,000 immigrants in a single day.

The newly constructed museum on Ellis Island will serve as an important reminder of the lengthy journeys of millions seeking to settle in a new land—a land of refuge and endless opportunity. It will indeed honor all immigrants and all Americans.

Let me turn briefly to immigration legislation pending before Congress. A thoughtful article written by economist Julian Simon recently appeared in the Washington Post. He calls for more liberal immigration policies and cites the many contributions of immigrants to our Nation. I encourage my colleagues to read this article and ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Sept. 1, 1990]

IMMIGRATION FOR A STRONGER AMERICA

(By Julian L. Simon)

High on Congress's agenda in September is immigration. The Morrison bill in the House could do more to advance all the goals of the United States during the next decade or two than any other pending legislation. Yet the Bush administration and organized labor—an unlikely couple—seek to gut the bill because of economic ignorance and nativism.

Worldwide, barriers to freedom have been collapsing. Messages and ideas now penetrate everywhere electronically, cheaply. And financial capital speeds from country

to country and, like Mercury, eludes governmental control.

Mobility of goods and people has increased from a walker's pace to jet speed. And political barriers to trade have diminished, despite newspaper stories about trade hassles. All these changes mean more liberty.

Yet there remain barriers to the movement of the most important of "goods"—human beings. Against the economic and cultural welfare of individual nations, and against the interests of all civilization, countries still prevent people from going where they want to go. True, people are no longer penned up in the country in which they are born, except for in the Soviet Union, China, Albania, Vietnam and a few other countries. But without the freedom to enter where they want to go, freedom to leave is of diminished value. We still tell almost all people of talent and energy who wish to join our society, "You may not enter unless you have relatives in the United States."

What foolishness. An unassailable body of recent economic research proves that we are made richer by allowing people to enter freely. We also know from a body of indubitable historical and sociological research that migrants carry valuable ideas with them and create new ideas as a result of having lived in two cultures.

What cheats us of these benefits? Age-old "common sense," economic misunderstanding cum racism (or "nativism," in polite lingo). But sometimes there is an opportunity to drive back the forces of darkness. Now, Rep. Bruce Morrison's (D-Conn.) immigration bill, just voted out of the House Judiciary Committee, promises a bright morning for human liberty.

The main thrust of the Morrison bill is an increase in the number of persons who will be allowed to enter the United States. Keep your eyes focused upon the crucial overall number, and the attempt of the anti-immigration lobby and Sen. Alan Simpson (R-Wyo.) to put a "cap" on immigration. The total matters more than how the overall number will be divided among family reconstitution, skill-based immigration, a point system, this country or that one, etc.

Here are the key demographic and economic facts:

Immigrants do not cause native unemployment, even among low-paid and minority groups. Recent studies all agree that the bogey of "displacement" of natives does not exist. New entrants not only take jobs, they make jobs with their purchasing power and with the new businesses they start.

Immigrants do not rip off natives by overusing welfare services. Immigrants typically arrive when they are young and healthy. Hence new immigrant families use less welfare services than do native families, because immigrants do not receive expensive Social Security and other aid to the aged. And immigrant families pay more taxes than do native families. Therefore, an average immigrant family puts about $2,500 into the public coffers every year—enabling a native breadwinner to retire two years earlier than otherwise.

Immigrants bring high-tech skills that the economy needs badly. Immigrants are not "huddled masses." The proportion of new arrivals with post-graduate education is far higher than the average of the native labor force.

Immigration is low rather than high relative to historical rates of immigration in the peak years at the turn of the century. Immigration as a proportion of population is less than a fourth of what it was earlier. Even in absolute numbers, total immigration is nowhere near its volume a century ago.

The foreign-born population is only about 6 percent now—less than the proportion in such countries as Great Britain, France and Germany, vastly lower than in Australia and Canada and less than half of what it used to be here.

Natural resources and the environment are not at risk from immigration. The long-term trends reveal that our air and water are getting cleaner rather than dirtier, and our supplies of natural resources are becoming more available rather than exhausted, contrary to common belief. Immigration increases the technical knowledge that speeds these benign trends.

Immigration reduces the social costs of the elderly, which can't be cut. More and more of the U.S. population is retired, with a smaller proportion of adults in the labor force. New immigrants typically are just entering the prime of their work lives and taxpaying years. Immigration is the only feasible way to lighten the Social Security burden of the aging U.S. population. It also reduces the federal deficit, which would not exist if people still lived the short lives and had the large numbers of children that they did early in this century.●

PUEBLO ADOPTS U.S.S. "REID"

● Mr. ARMSTRONG. Mr. President, Pueblo Elks Lodge No. 90 has taken a bold step in support of our Armed Forces serving in the Persian Gulf—they're the first Elks Lodge in the Nation to adopt a military unit officially. Lodge No. 90 has adopted the U.S.S. *Reid*, a guided missile frigate serving in the gulf. This action demonstrates again Pueblo's commitment to our men and women serving to defend America's interests around the world.

Chapter No. 90 of the Benevolent and Protective Order of Elks in Pueblo was founded in 1888, and has always been a strong supporter of our service men and women. They recognize that democracy thrives not on privileges accepted complacently, but on obligations met courageously; that sacrifice, eternal vigilance, and preparedness are the price of liberty. It is within this framework Pueblo Lodge No. 90 recognizes the need to support those who are placing their lives in jeopardy defending our country's interests in the Persian Gulf. Therefore, they have chosen to adopt the U.S.S. *Reid* to demonstrate that support.

The U.S.S. *Reid* is the guided missile frigate that fired the first shots in the current naval blockade in an attempt to stop a blockade-running Iraqi ship. The frigate bears the name borne by three former destroyers who were named after sailing master Samuel Chester Reid. Samuel Reid served in the U.S. Navy from 1783 to 1861, was a hero of the War of 1812 and a designer of the U.S.-flag in its present form. The first destroyer named *Reid* attacked enemy submarines while on escort and patrol during World War I. The third U.S. naval ship named for Samuel Reid was one of the outstanding destroyers in Pacific combat operations in World War II until her loss in December 1944, while fighting off massive suicide plane attacks during the liberation of the Philippines. Thus the current frigate carries, along with her name, a long tradition of valiant efforts in the service and defense of our country.

The Pueblo Elks Lodge hopes, as the first Benevolent and Protective Chapter of the Order of the Elks to adopt a military unit, that it will set an example of support for our service men and women for other lodges and other organizations throughout the country. The patriotic citizens of Pueblo deserve our notice and commendation.●

THE CENTENNIAL CELEBRATION OF INDIAN HEAD NAVAL ORDNANCE STATION

● Mr. SARBANES. Mr. President, on September 25 the Naval Ordnance Station at Indian Head, MD, will mark its centennial of service to our Nation.

On the occasion of the station's 100th birthday, I rise to pay tribute to this facility and to the men and women whose dedication and service have given it the excellent national reputation that it so richly deserves. Last year I had the opportunity to spend a day at Indian Head visiting with its able commanding officer, Capt. Edwin P. Nicholson. Before I left, I told him how fortunate he is that his own commitment to public service is matched by that of his 2,900 employees. In my view, Mr. President, those dedicated military personnel and civilian employees are national assets.

Mr. President, the station has been an important part of Charles County and the State of Maryland since its founding in 1890. During its first 10 years of operation, the facility concentrated on testing gun powder. The station, then known as the Naval Proving Ground, was the first military facility to produce smokeless powder.

The facility grew during World War I and was redesignated as the Naval Powder Factory in 1932. During World War II, the factory concentrated on the development of flashless powder and research on rockets and antitank weapons. By the end of that war, there had been substantial new construction on the property and propellant research had been added to the station's mission. by 1943, Route 210 had been completed, connecting Indian Head with the Nation's Capital.

Four new production plants were added during the Korean war and in 1958 the facility was renamed the Naval Propellant Plant. Two years later, a total of 23 buildings were added for the manufacture of Polaris missile propellant.

In 1966, the facility was redesignated the Naval Ordnance Station and,

throughout the war in Vietnam, its production lines operated close to full capacity. Since then, the station has concentrated on highly technical engineering support.

Today, the Indian Head facility proudly provides ordnance and weapons support to the Navy and the Armed Forces of the United States and our allies. It includes a number of engineering centers of excellence and plays a critical role in solid propulsion ordnance technology. The station also continues its long tradition as a manufacturer of ordnance.

It is with great pride that I will participate in the Naval Ordnance Station's celebration of a century of excellence and I urge my colleagues to join me in saluting the station's men and women for their service to our great Nation.●

BETTER HEALTH PROTECTION FOR MOTHERS AND CHILDREN ACT OF 1990

● Mr. BRADLEY, Mr. President, I rise to cosponsor the Medicaid Better Health Protection for Mothers and Children Act of 1990. This legislation would significantly expand coverage and benefits for a significant portion of our most at-risk population in America, poor children. The legislation would expand coverage to all children below the age of 19 up to the Federal poverty level. In addition, the bill will set national standards for Medicaid payments to providers of obstetric and pediatric services. These changes, properly implemented, can assure access to care and a high quality of care for all poor pregnant women and children.

Our record on how we treat children in America today is less than exemplary. It is unacceptable that in America today, infant mortality is higher than in all other industrialized nations. It is unacceptable that the country that pioneered the development of vaccines should have childhood immunization rates among minority Americans that rank behind 48 other countries including Albania and Botswana. A country that can put men on the Moon and can dream of sending men to Mars can surely find ways to add ounces to the birthweight of an infant or to get children to the doctor for preventive health care.

This bill will greatly expand health care coverage to the 12 million children who are currently uninsured. Our greatness as a nation is diminished by our reluctance to provide basic health care to our children. This bill helps us to begin to redress this glaring omission. It provides full Federal funding for these expansions in the next 3 years with a gradual phasing in of State matching dollars over the ensuing 3 years. This will ensure their timely implementation. The program expansion will be funded through a cigarette excise tax increase.

I urge my colleagues to support this important legislation.●

UNANIMOUS-CONSENT AGREEMENT

ORDERS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today it stand in recess until 10 a.m., tomorrow, Thursday, September 20; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders under the standing order there be a period of time for the transaction of routine morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each; that when the Senate recesses at the close of business tomorrow, Thursday, September 20, it stand in adjournment or recess until Monday, September 24, at 9:30 a.m.; that following the prayer the Journal of proceedings be deemed approved to date; that following the time reserved for the two leaders there be a period for the transaction of routine morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each; that at 10 a.m. on Monday the Senate resume consideration of S. 1224, the CAFE standards bill, for debate on amendments to the bill and to the committee substitute; that any votes ordered with respect to this measure on which agreement can be reached occur upon the disposition of S. 1511; that when the Senate recesses at the close of business on Monday, September 24, it stand in recess or adjournment until Tuesday, September 25, at 8:45 a.m; that following the prayer the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of routine morning business not to extend beyond 9 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each; that at 9 a.m. the Senate proceed to the consideration of Calendar No. 182, S. 110, the title X bill, and that at 11:30 a.m. the Senate resume consideration of S. 1224, the CAFE standards bill, for debate only for 1 hour with the time to be equally divided and controlled between Senators BRYAN and RIEGLE or their designees; that at the conclusion or yielding back of that time, the Senate stand in recess until 2:15 p.m. for the two party conferences; and that at 2:15 p.m., the Senate proceed to vote to invoke cloture on the committee substitute as amended, if amended, to S. 1224; and that immediately following the completion of that vote, regardless of the outcome, the Senate proceed to the Executive Calendar under the consent agreement that has previously been entered; that following the disposition of the Executive Calendar treaties and upon the resumption of legislative session, the Senate resume consideration of S. 110, the title X bill, regardless of the outcome of the earlier cloture vote on S. 1224, the CAFE standards bill; that on Wednesday morning, September 26, immediately following the conclusion of morning business, there be a vote on a motion to invoke cloture on the committee substitute, as modified, to S. 110, the title X bill, to be followed immediately, regardless of the outcome of that cloture vote, by a cloture vote on the motion to proceed to the consideration of Calendar No. 260, S. 874, the motor-voter bill; and that the filing of the petition and the live quorum as required under rule XXII be waived with respect to each of the three cloture votes that I have listed; and that the Senate consider and dispose of the above measures in the order in which cloture was invoked in relation thereto.

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

SCHEDULE

Mr. MITCHELL. Mr. President, I want to clarify for the record that if we invoke cloture on any of the committee substitutes, the Senate will remain on that measure until final disposition of that measure, prior to the next measure on which cloture has been invoked being brought before the Senate.

Mr. President, let me now attempt to recapitulate in chronological order the various measures that the Senate will be considering on next Monday through Wednesday, because what we have been able to do through these various agreements is to organize the schedule in a compact manner, which would ordinarily have required several days of Senate action, and which will permit us to proceed and not to require any votes during the 2 days of religious holiday upcoming on tomorrow and Friday.

At 10 a.m. on Monday morning, the Senate will return to consideration of the CAFE standards bill. That will be debated during the day. At 5 p.m. on Monday, the Senate will return to consideration of the older workers bill under the agreement previously obtained with respect to that measure. At 7 p.m. on Monday, votes will occur with respect to the older workers bill as set forth under the previous agreement.

If during consideration of the CAFE standards bill during the day on Monday, there has been agreement to order a vote on any amendments to that bill, votes on those amendments

will occur after the votes on the amendments to the Older Workers Act, as previously described.

So votes on Monday will occur, beginning at 7 p.m., first with respect to the older workers bill, as described in that agreement, and immediately following that with respect to the CAFE standards bill, if there have been any votes ordered with respect to that bill.

On Tuesday morning at 9 o'clock, the Senate will take up the title X bill. There will be a period for amendment and debate to that bill until 11:30 Tuesday morning when, for 1 hour, there will be debate only on the CAFE standards bill prior to the cloture vote on that bill. That cloture vote will occur at 2:15 p.m. immediately following the party conferences.

Immediately thereafter, at 2:30 on Tuesday, the Senate will take up the two executive treaties now pending on the calendar, with 2 hours of debate and then votes on those two treaties, which should occur at about 4:30 p.m. on Tuesday.

Immediately following those votes and, therefore, at about 5 p.m. on Tuesday, the Senate will return to consideration of the title X bill, and will continue on that bill for the remainder of that legislative day.

On Wednesday, the first matter will be a cloture vote on the title X bill, and that will be immediately followed by a cloture vote on the motion to proceed to the motor-voter bill.

As I indicated in my earlier remarks, if cloture is invoked on any of the three measures with respect to which cloture votes will occur on Tuesday or Wednesday, those measures will be taken up in the order in which cloture has been invoked, and if a committee substitute is involved, the Senate will remain on that particular measure until final disposition of the measure occurs before the next measure is brought before the Senate.

This means, Mr. President, that there will be a substantial number of votes, and the disposition of a substantial number of measures early next week, all of which has been made possible by the cooperation of the many Senators involved in these various bills. And although there have been lengthly periods of delay today, I believe ultimately they have proven to be productive as we now are able to assure Senators that there will be no recorded votes on tomorrow or Friday, and the next recorded votes will occur not earlier than 7 p.m. on Monday.

Mr. President, again, I thank all of my colleagues for their cooperation in these matters, and I think fairness dictates thanks to the staff on both sides, who are responsible for putting this complicated but I think very productive agreement in order.

CORRECTION IN THE ENGROSSMENT OF H.R. 5241

Mr. MITCHELL. Mr. President, I ask unanimous consent that in the engrossment of H.R. 5241, the Treasury appropriations bill, amendment No. 2614, that the following be inserted which I send to the desk.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 10 a.m. tomorrow.

There being no objection, at 6:28 p.m., the Senate recessed until Thursday, September 20, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 1990:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MARY SHANNON BRUNETTE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SHERRIE SANDY ROLLINS.

IN THE NAVY

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. ROBERT J. KELLY, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT 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

ADM. CHARLES R. LARSON, 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. WILLIAM D. SMITH, U.S. NAVY, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES AS ASSISTANT SURGEON GENERAL OF THE ARMY/CHIEF DENTAL CORPS AND APPOINTED TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3036 AND 3039:

To be permanent major general

To be assistant surgeon general/chief, Dental Corps.

BRIG. GEN. THOMAS R. TEMPEL, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. MICHAEL J. SCOTTI, [redacted] U.S. ARMY

To be permanent brigadier general

COL. RONALD R. BLANCK, [redacted] U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Wednesday, September 19, 1990*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We give thanks, O God, that so many people know the security of homes and families and experience the warmth and presence of those they love. On this day remember, gracious God, those women and men who do not live as free people or share in the liberties that protect us each day. May Your good grace, that is not bound by time or place, that is Your free gift to every person whatever their circumstance, be with all those who yearn for peace and hope for reunion with those they love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 115, not voting 39, as follows:

[Roll No. 348]

YEAS—278

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Cooper
Costello
Coyne
Darden
de la Garza
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flippo
Foglietta
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Wheat
Whitten
Wilson
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—115

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Chandler
Clinger
Coble
Coughlin
Courter
Cox
Craig
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCrery
McGrath
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Nielson
Oxley
Parris
Pashayan
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—39

AuCoin
Bilirakis
Broomfield
Clay
Conyers
Crane
Crockett
DeFazio
Dixon
Dyson
Flake
Ford (MI)
Ford (TN)
Goodling
Leath (TX)
Levine (CA)
Lloyd
Lowery (CA)
Mavroules
McCandless
McDade
Murphy
Nagle
Neal (NC)
Paxon
Rahall
Sarpalius
Savage
Shumway
Smith (FL)
Stangeland
Stokes
Towns
Udall
Unsoeld
Washington
Watkins
Williams
Wise

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio [Ms. KAPTUR] please come forward and lead the House in the Pledge of Allegiance?

Ms. KAPTUR led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 4473. An act to authorize the President to call and conduct a National White House Conference on Small Business, and

H. Con. Res. 338. Concurrent resolution authorizing the printing of the proceedings of the bicentennial research conference entitled "Understanding Congress."

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

H.R. 3897. An act to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes, and

H.R. 5400. An act 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.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5400) "An act 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," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD, Mr. BYRD, Mr. INOUYE, Mr. DECONCINI, Mr. BOREN, Mr. BREAUX, Mr. STEVENS, Mr. MCCONNELL, Mr. PACKWOOD, Mr. RUDMAN, and Mr. NICKLES; for matters within the jurisdiction of the Committee on Finance: Mr. BENTSEN and Mr. PACKWOOD; to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2104) entitled "An act to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Ms. MIKULSKI, Mr. HATCH, Mrs. KASSEBAUM, and Mr. JEFFORDS, to be the conferees on the part of the Senate.

The message also announced that, pursuant to section 1295(b), title 46, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation; Mr. BREAUX, from the Committee on Commerce, Science, and Transportation; Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation; and Mr. MURKOWSKI, at large; to the Board of Visitors of the U.S. Merchant Marine Academy.

The message also announced that, pursuant to section 114(b)(1) of Public Law 100-458, the Chair on behalf of the majority leader, reappoints William Cresswell, of Mississippi, to serve a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 1990.

The message also announced that, pursuant to section 194(a), title 14, of the United States Code, the Chair on behalf of the Vice President, appoints Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation; Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation; and Mr. HELMS, at large; to the Board of Visitors of the U.S. Coast Guard Academy.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The SPEAKER. Pursuant to House Resolution 457 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4739.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, with Mr. DURBIN [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, September 18, 1990, it had completed all amendments printed in part 2 of House Report 101-693, except for those amendments that will be included in the en bloc amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I would like to proceed at this time to engage in a discussion with the gentleman from Alabama [Mr. DICKINSON] about the schedule. We are hoping to finish this bill close to the noon hour. We just want Members to understand what is remaining on the program to deal with this bill and what the order is.

According to my sheet, and having worked this out previously with the gentleman from Alabama, this is the schedule as I see it, and I wanted to check with the gentleman from Alabama to make sure that we are on the same wavelength on this.

The first order of business is the en bloc amendment which I will offer as soon as we begin consideration of the legislative schedule here. That is 20 minutes of debate, 10 minutes for and 10 minutes against, followed, of course, by a vote.

The next amendment that is in order is the Dickinson alternative. Again that is 20 minutes of debate, 10 minutes for and 10 minutes against, if the gentleman from Alabama offers his amendment, and then a vote on that.

Following that is a budget adjustment amendment that I will be offering, which is the amendment that would adjust for some of the changes that have taken place and there are some important things that we are doing there for the troops that are in the gulf and other things that a lot of Members would like to have a chance to talk on.

□ 1030

That is 40 minutes of debate, 20 minutes for and 20 minutes against, followed by a vote.

Then the other issues that remain are a motion to recommit and final passage.

The gentleman from Alabama [Mr. DICKINSON], of course, has a motion to recommit.

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

Mr. ASPIN. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, let me say that I agree with the gentleman's understanding of the sequence of events. As to an amendment made in order, the Dickinson good-government amendment, this was fashioned and requested prior to the events of the Persian Gulf. It has been my intent to have certain add-backs deleted and transfer some of the funds of add-ons for other things that I felt were more necessary.

In view of what has happened in the Persian Gulf and the consequence of the transfer of these funds, it is not my intention to offer that amendment; so that is about 40 minutes of savings there.

The Aspin budget adjustments, of course, which I recognize has been coming, but actually we did not see the particulars until about 9 o'clock last night. We are still studying those. I do not know that there would be anything in there objectionable, but there will be some debate on it.

I do intend to offer a motion to recommit that is being fashioned now. As soon as we get it in final shape, I will furnish the gentleman a copy. I think that the gentleman has properly explained the sequence of events, and I think that he is probably right as to the time we might get out of here.

Mr. ASPIN. Mr. Chairman, I thank the gentleman from Alabama.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments en bloc consisting of amendments printed in part 2 of House Report 101-693 offered by the gentleman from Wisconsin.

AMENDMENTS EN BLOC OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. ASPIN: Pursuant to House Resolution 461 Mr. ASPIN of Wisconsin offers the following amendments en bloc. Numbers refer to the amendments as printed in part II of the report of the Committee on Rules providing for the further consideration of H.R. 4739 (H. Rept. 101-693).

Amendment number	Sponsor	Modified?
1	Mr. Aspin	No.
4	Mr. Bennett	No.
5	Mr. Berman	Yes.
9	Mr. Bryant	Yes.
10	Mr. Campbell of California.	No.
12	Mr. Dicks	No.
14	Mr. Fascell	Yes.
15	Mr. Fazio	No.
16	Mr. Fazio	No.
19	Mr. Jones of North Carolina.	Yes.
20	Mr. Kennedy	Yes.
21	Mr. Kyl	No.
23	Mr. Leath	No.
24	Mr. Leath	No.
25	Mr. Levine	No.
26	Mr. Martin of New York.	No.
27	Mr. Moody	Yes.
28	Mr. Porter	Yes.
30	Mr. Spratt	No.
32	Mr. Wyden	No.
33	Mr. Wyden	Yes.

(Amendment offered by Mr. ASPIN of Wisconsin, Mr. MACHTLEY of Rhode Island, Mr. SHARP of Indiana, and Mr. MARKEY of Massachusetts) (Amdt. No. 1 in part II of the report of the Committee on Rules)

Insert the following new part at the end of title XXVIII (page 442, after line 2) (and make corresponding changes in the table of contents):

PART 4—DEPARTMENT OF DEFENSE ENERGY SAVINGS

SEC. 2851. DEPARTMENT OF DEFENSE ENERGY SAVINGS PROGRAM.

"(a) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding the following at the end:

"§ 2865. Energy savings at military installations

"(a)(1) The Secretary of Defense shall designate an energy performance goal for the Department of Defense for the years 1991 through 2000.

"(2) To achieve the goal designated under paragraph (1), the Secretary shall develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy savings.

"(3) For the purpose of implementing any energy performance plan, the Secretary shall provide that the selection of energy conservation measures under such plan shall be limited to those with a positive net present value over a period of 10 years or less.

"(b)(1) The Secretary shall provide that two-thirds of the portion of the funds appropriated to the Department of Defense for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts and financial incentives described in paragraph (3)(B), for any fiscal year beginning after fiscal year 1990 shall remain available for obligation under paragraph (2) through the end of the fiscal year following the fiscal year for which the funds were appropriated, without additional authorization or appropriation.

"(2) The amount that remains available for obligation under paragraph (1) shall be utilized as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures at such buildings, facilities, or installations of the Department of Defense as the head of the department, agency, or instrumentality that realized the savings may designate in accordance with regulations prescribed by the Secretary of Defense.

"(B) One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for—

"(i) Improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.

"(3) The Secretary—

"(A) shall permit and encourage each military department, defense agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation; and

"(B) may authorize any military installation to accept any financial incentive, generally available from any such utility, to adopt technologies and practices that the Secretary determines are cost-effective for the Federal Government.

"(c)(1) The Secretary of Defense shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of the Department as well as the private sector.

"(2)(A) In carrying out paragraph (1), the Secretary of Defense may—

"(i) request statements of qualifications (as prescribed by the Secretary of Defense), including financial and performance information, from firms engaged in providing shared energy savings contracting;

"(ii) designate from the statements received, with an update at least annually, those firms that are presumptively qualified to provide shared energy savings services;

"(iii) select at least three firms from the qualifying list to conduct discussions concerning a particular proposed project, including requesting a technical and price proposal from such selected firms for such project; and

"(iv) select from such firms the most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary determines is fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

"(B) In carrying out paragraph (1), the Secretary may also provide for the direct negotiation, by departments, agencies, and instrumentalities of the Department of Defense, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned."

(b) The table of contents for such subchapter is amended by adding at the end the following:

"Sec. 2865. Energy savings at military installations.".

SEC. 2852. TECHNICAL AMENDMENTS.

(a) Section 2394a(c) of title 10, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a system shall be made using the life-cycle cost methods and procedures established pursuant to section 544(a) of the National Energy Conservation Policy Act.".

(b) Section 2857(c)(1) of title 10, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) A determination under paragraph (1) concerning whether a cost-differential can be recovered over the expected life of a facility shall be made using the life-cycle cost methods and procedures established pursuant to section 544(a) of the National Energy Conservation Policy Act.".

(Amendment offered by Mr. BENNETT of Florida) (Amdt. No. 4 in part II of the report of the Committee on Rules)

At the end of part E of title I (page 26, line 14), insert the following new section:

SEC. 153. 5-INCH GUN AMMUNITION.

None of the funds authorized to be appropriated in section 102 for Weapons Procurement, Navy, shall be available for procurement of 16-inch gun ammunition. Of the funds appropriated for fiscal year 1991 for Weapons Procurement, Navy, $49,333,000 shall be available only for procurement of 5-inch gun ammunition.

(Amendment offered by Mr. BERMAN) (Amdt. No. 5 in part II of the report of the Committee on Rules)

Add the following after title XIII (page 359, after line 2):

TITLE XIV—TECHNOLOGY CONTROL REGIME

SEC. 1401. SHORT TITLE.

This title may be cited as the "Missile Technology Control Act of 1990".

SEC. 1402. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage countries from aiding and abetting any states from acquiring such weapons, material, and technology;

(3) to strengthen United States and multilateral export controls to prohibit the flow of materials, equipment, and technology that woud assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private persons in other countries from assisting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the fullest extent practicable and effective through bilateral and multilateral diplomacy.

SEC. 1403. ENFORCEMENT OF INTERNATIONAL CONTROLS ON MISSILE TECHNOLOGY.

(a) DETERMINATION BY THE PRESIDENT.—Subject to subsections (c), (d), and (e), the President shall impose not less than one of the applicable sanctions described in subsection (b) whenever there is reliable evidence, as determined by the President, of any of the following:

(1) That a United States person—

(A) exports, transfers, or otherwise engages in the trade of any internationally controlled missile technology in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) conspires to or attempts to engage in such export, transfer, or trade, or

(C) knowingly facilitates such export, transfer, or trade by any other person.

(2) That a foreign person—

(A) exports, transfers, or otherwise engages in the trade of any internationally controlled missile technology for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) conspires to or attempts to engage in such export, transfer, or trade, or

(C) knowingly facilitates such export, transfer, or trade by any other person.

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and/or services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the acts by the United States person under subsection (a) are not destabilizing and that the person has not committed acts under subsection (a) previously, the sanctions described in subparagraphs (A) and (B), but only with respect to internationally controlled missile technology.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person, or an agent of such foreign person, is the designated consignee or end-user in the application for such export license.

(B) Prohibiting all contracting with, or procurement of any products or services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the acts by the foreign person under subsection (a) are not destabilizing and that the person has not committed acts under subsection (a) previously, the sanctions described in subparagraphs (A) and (B), but only with respect to internationally controlled missile technology.

(3) Paragraphs (1)(B) and (2)(B) do not apply with respect to any contract which would supply products or services valued at—

(A) $20,000 or less of the value of a finished good for which the contract is entered into, or

(B) 3 percent or less of the average unit cost of such finished good.

(4) Sanctions under this section shall be imposed for a period of not less than 2 years and not more than 5 years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government, or the product or service is supplied under a defense coproduction agreement or a NATO Program of Cooperation.

(d) INAPPLICABILITY TO PERSONS COMPLYING WITH FOREIGN LAWS.—Subsection (a) does not apply with respect to any exporting, transferring, or other trading activity authorized by the laws of a country that controls the export of internationally controlled missile technology pursuant to an international understanding to which the United States is a party, if such authorization is not obtained by misrepresentation or fraud.

(e) EFFECT OF ENFORCEMENT ACTIONS BY OTHER COUNTRIES.—Sanctions set forth in subsection (b) may not be imposed under this section on a person with respect to acts described in subsection (a) or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if a country described in subsection (d) is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of such country to be innocent of wrongdoing with respect to such acts.

SEC. 1404. SEMIANNUAL REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) CONTENTS OF REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereinafter in this section referred to as "NBC capable aircraft") and international transfers of internationally controlled missile technology to any country seeking to acquire such technology in violation of the MTCR, other than those countries excluded in subsection (b). Each such report shall include—

(1) the status of missile and aircraft development programs in any such country, including efforts by such country to acquire internationally controlled missile technology and NBC capable aircraft and an assessment of the present and future capability of such country to produce and utilize such weapons;

(2) a description of assistance provided to any such country by persons and other countries, after the date of enactment of this Act, specifying those persons and other countries which continue to provide internationally controlled missile technology to such country as of the date of the report;

(3) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private persons and countries suspected of violating the MTCR;

(4) an analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other MTCR members to control the export of internationally controlled missile technology; and

(5) a determination of whether transfers of internationally controlled missile technology by any country pose a signficant threat to the national security of the United States.

(b) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

(c) PROTECTION OF CLASSIFIED AND INTELLIGENCE INFORMATION.—Classified portions of any report prepared under this section may be issued in a separate annex to the report. In addition, the President may, with respect to the matters addressed in any such report, limit the transmission of intelligence information to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives if the President determines that such information could disclose intelligence sources and methods.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c), decides not to list any person or country in that part of the report required under this section which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1405. ADVISORY OPINIONS.

The Secretary of State or the Secretary of Commerce, as appropriate, may, upon the request of any person, issue an advisory opinion to that person of whether a proposed activity by that person would subject that person to sanctions under section 1403. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

SEC. 1406. DEFINITIONS

For purposes of this title—

(1) the term "United States person" has the meaning given that term in section 16(2)

of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3)(A) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

(B) in the case of countries where it may be impossible to identify a specific governmental entity, the term "person" means—

(i) all activities of that government relating to the development or production of any internationally controlled missile technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(4) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred;

(5) the term "internationally controlled missile technology" means any item listed in the Equipment and Technology Annex (together with any subsequent amendments thereto) of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987; and

(6) the term "MTCR" means the understanding between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict internationally controlled missile technology.

SEC. 1407. REGULATORY AUTHORITY.

The President shall, not later than 6 months after the date of the enactment of this Act, issue such regulations, licenses, and orders as are necessary to carry out this title.

SEC. 1408. EFFECTIVE DATE.

Section 1403(a) shall take effect at the end of the 6-month period beginning on the date of the enactment of this Act.

(Modification to the amendment offered by Mr. BRYANT of Texas) (Amdt No. 9 in part II of the report of the Committee on Rules)

The amendment as modified follows:

At the end of part D of title XIII (page 359, after line 2), add the following new section:

SEC. 1346. TERMINATION OF UNITED STATES PAYMENTS FOR CERTAIN FOREIGN NATIONALS EMPLOYED AT BASES OUTSIDE THE UNITED STATES.

The total amount of funds expended by the United States during a fiscal year for the purpose of paying salaries and other remuneration for foreign-nationals who are employed pursuant to an indirect-hire civilian personnel agreement at a United States military installation located outside the United States shall be reduced as follows:

(1) During fiscal year 1991, the total amount of funds expended for that purpose shall be reduced to an amount equal to not more than 75 percent of the total amount of funds expended for that purpose during fiscal year 1990.

(2) During fiscal year 1992, the total amount of funds expended for that purpose shall be reduced to an amount equal to not more than 50 percent of the total amount of funds expended for that purpose during fiscal year 1990.

(3) During fiscal years after 1994, the total amount of funds expended for that purpose shall be reduced to an amount equal to not more than 25 percent of the total amount of funds expended for that purpose during fiscal year 1990.

(4) During fiscal years after 1995, the President shall achieve such additional reductions in such expenditures as may be possible through negotiations with the governments of countries in which United States military installations are located.

(Amendment offered by Mr. CAMPBELL of California) (Amdt No. 10 in part II of the report of the Committee on Rules)

At the end of part C of title III (page 76, after line 24), insert the following new section:

SEC. 335. EXPANSION TO NATIONAL GUARD FACILITIES OF AUTHORITY TO PROVIDE SHELTER FOR HOMELESS.

Section 2546 of title 10, United States Code, is amended by adding at the end the following:

"(f) The Governor of a State may make National Guard facilities under the jurisdiction of that State available for furnishing of shelter to persons without adequate shelter in the same manner and to the same extent as the Secretary of a military department under this section.".

(Amendment offered by Mr. DICKS of Washington) (Amdt No. 12 in part II of the report of the Committee on Rules)

At the end of part C of title XXXI (page 462, after line 5), add the following new section (and conform the table of contents accordingly):

SEC. 3133. DOE MANAGEMENT PLAN FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) PLAN.—The Secretary of Energy shall develop a comprehensive five-year plan for the management of environmental restoration and waste management activities at facilities under the jurisdiction of the Department of Energy.

(b) REPORT.—Not later than April 1, 1991, the Secretary of Energy shall submit to Congress a report on the management plan developed under subsection (a). The report shall include the following:

(1) A descripiton of management capabilities necessary to carry out environmental programs covered by the management plan for the next five years.

(2) A description of current Department of Energy management capabilities and inadequacies.

(3) A description of the technical resources, including staff and management information systems, needed to carry out the management plan.

(4) A description of assistance from other Federal agencies and private contractors included in the management plan.

(5) A description of the cost verification and quality control elements included in the management plan.

(Modification to the amendment Offered by Mr. FASCELL of Florida) (Amdt No. 14 in part II of the report of the Committee on Rules)

The amendment as modified is as follows:

Strike out section 242 (page 45, line 19 through page 46, line 21) and insert in lieu thereof the following:

SEC. 242. FUNDING FOR FACILITY FOR COLLABORATIVE RESERACH AND TRAINING FOR MILITARY MEDICAL PERSONNEL.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1991, $18,000,000 shall be used, subject to subsection (b)(3), by the Secretary of Defense as a contribution toward the construction of a facility as part of a complex to enable collaborative research and training for Department of Defense military medical personnel in the folowing fields:

(1) Trauma care.

(2) Head, neck, and spinal injury.

(3) Paralysis.

(4) Neurosciences and neurodegenerative diseases.

(b) REQUIREMENTS.—(1) Such a contribution may be made only for a facility that will—

(A) support education, training, treatment, and rehabilitative services related to the fields described in subsection (a); and

(B) support neuroscience research with relevance for the medical mission of the Department of Defense.

(2) Such a contribution may be made only for a facility to be located at an institutional setting that—

(A) has received national recognition for its work in the fields listed in subsection (a); and

(B) can best facilitate interagency collaborative research, education, and training activities.

(3) The amount of a contribution under subsection (a) may not exceed 33 percent of the total cost of such complex.

(Amendment offered by Mr. FAZIO (Amdt No. 15 in part II of the report of the Committee on Rules)

Add the following new subsection at the end of section 2834 (relating to funding for environmental restoration at military installations scheduled for closure):

(c) TASK FORCE REPORT.—(1) Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings and recommendations of the task force established under paragraph (2) concerning—

(A) ways to improve interagency coordination, within existing laws, regulations, and administrative policies, of environmental response actions at military installations (or portions of installations) that are being closed, or are scheduled to be closed, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526); and

(B) ways to consolidate and streamline, within existing laws and regulations, the practices, policies, and administrative procedures of relevant Federal and State agencies with respect to such environmental response actions so as to enable those actions to be carried out more expeditiously.

(2) There is hereby established an environmental response task force to make the findings and recommendations, and to prepare the report, required by paragraph (1). The task force shall consist of the following (or their designees):

(A) The Secretary of Defense, who shall be chairman of the task force.

(B) The Attorney General.

(C) The Administrator of the General Services Administration.

(D) The Administrator of the Environmental Protection Agency.

(E) The Chief of Engineers, Department of the Army.

(F) A representative of a State environmental protection agency, appointed by the head of the National Governors Association.

(G) A representative of a State attorney general's office, appointed by the head of the National Association of Attorney Generals.

(H) A representative of a public-interest environmental organization, appointed by the Speaker of the House of Representatives.

(Amendment offered by Mr. FAZIO of California) (Amdt No. 16 in part II of the report of the Committee on Rules)

At the end of part D of title III (page 83, after line 3), add the following new section (and conform the table of contents accordingly):

SEC. 344. CONTRACTS FOR CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES.

(a) ESTABLISHMENT OF MODEL PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish a model program to improve the efficiency and effectiveness of the base closure environmental restoration program.

(b) ADMINISTRATOR OF PROGRAM.—The Secretary shall designate the Deputy Assistant Secretary of Defense for Environment as the Administrator of the model program referred to in subsection (a). The Deputy Assistant Secretary shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition.

(c) APPLICABILITY.—This section shall apply to environmental restoration activities at installations selected by the Secretary pursuant to the provisions of subsection (d)(1).

(d) PROGRAM REQUIREMENTS.—In carrying out the model program, the Secretary of Defense shall:

(1) Designate for the model program two installations under his jurisdiction that have been designated for closure pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and for which preliminary assessments, site inspections, and Environmental Impact Statements required by law or regulation have been completed. The Secretary shall designate only those installations which have satisfied the requirements of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(2) Compile a prequalification list of prospective contractors for solicitation and negotiation in accordance with the procedures set forth in title IX of the Federal Property and Administrative Services Act (Public Law 92-582; 40 U.S.C. 541 et seq., as amended). Such contractors shall satisfy all applicable statutory and regulatory requirements and, in addition, shall indemnify the Federal Government against all liabilities, claims, penalties, costs, and damages caused by (A) the contractor's breach of any term or provision of the contract; and (B) any negligent or willful act or omission of the contractor, its employees, or its subcontractors in the performance of the contract.

(3) Within 180 days after the date of enactment of this Act, solicit proposals from qualified contractors for response action (as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) at the installations designated under paragraph (1). Such solicitations and proposals shall include the following:

(A) Proposals to perform response action. Such proposals shall include provisions for receiving the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies.

(B) To the maximum extent possible, provisions offered by single prime contractors to perform all phases of the response action, using performance specifications supplied by the Secretary of Defense and including any safeguards the Secretary deems essential to avoid conflict of interest.

(4) Evaluate bids on the basis of price and other evaluation criteria, including use of private funds for facilities and equipment where appropriate.

(5) Subject to the availability of authorized and appropriated funds to the Department of Defense, make contract awards for response action within 120 days after the solicitation of proposals pursuant to paragraph (3) for the response action, or within 120 days after receipt of the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies, whichever is later.

(e) APPLICATION OF SECTION 120 OF CERCLA.—Activities of the model program shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620).

(f) EXPEDITED AGREEMENTS.—The Secretary shall, with the concurrence of the Administrator of the Environmental Protection Agency, assure compliance with all applicable Federal statutes and regulations and, in addition, take all reasonable and appropriate measures to expedite all necessary administrative decisions, agreements, and concurrences.

(g) REPORT.—The Secretary of Defense shall include a description of the progress made during the preceding fiscal year in implementing and accomplishing the goals of this section within the annual report to Congress required by section 2706 of title 10, United States Code.

(h) APPLICABILITY OF EXISTING LAW.—Nothing in this section affects or modifies, in any way, the obligations or liability of any person under other Federal or State law, including common law, with respect to the disposal or release of hazardous substances or pollutants or contaminants as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(Modification to the amendment offered by Mr. JONES of North Carolina and Mr. LENT of New York) (Amdt No. 19 in part II of the report of the Committee on Rules)

The amendment as modified is as follows:

Page 328, strike out lines 10 through 19 and insert in lieu thereof the following:

(c) CHARTER OF VESSELS CONSTRUCTED.—(1) The Secretary, in consultation with the Administrator of the Maritime Administration, shall charter each vessel constructed under the program for commercial operation. Any such charter—

(A) shall not permit the operation of the vessel other than in the foreign commerce of the United States;

(B) may be made only with an individual or entity that is a citizen of the United States (which, in the case of a corporation, partnership, or assocation, shall be determined in the manner specified in section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)); and

(C) shall require that the vessel be documented (and remain documented) under the laws of the United States.

(2) The Secretary may enter into a charter under paragraph (1) only through the use of competitive bidding procedures that ensure that the highest charter rates are obtained by the United States consistent with good business practice, except that the Secretary may operate the vessel (or contract to have the vessel operated) in direct support of United States military forces during a time of war or national emergency and at other times when the Administrator of the Maritime Administration determines that the operation would not unfairly compete with another United States-flag vessel.

(3) If the Secretary determines that a vessel constructed under the program no longer has commercial utility, the Secretary may transfer the vessel to the Administrator of the Maritime Administration for retention in the National Defense Reserve Fleet.

(4) A contract for the charter of a vessel under paragraph (1) shall include a provision that the charter may be terminated for national security reasons without cost to the United States.

Page 328, line 20, strike out "(c)" and insert in lieu thereof "(d)".

(Modification to the amendment offered by Mr. KENNEDY of Massachusetts) (Amdt No. 20 in part II of the report of the Committee on Rules)

The amendment as modified is as follows:

In section 831(b) (page 211, beginning on line 12), insert after "commitment" the following: "regarding recruitment and subcontracting agreements".

(Amendment offered by Mr. KYL of Arizona) (Amdt No. 21 in part II of the report of the Committee on Rules)

In section 224 (page 37, beginning on line 6)—

(1) insert "(a) PROHIBITION.—" before "Funds"; and

(2) add at the end the following:

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) is intended or may be construed to preclude planning activities (including studies, design activities, and computer simulations) related to testing of SDI systems or elements.

(Amendment offered by Mr. LEATH of Texas) (Amdt No. 23 in part II of the report of the Committee on Rules)

At the end of title XXXIII (page 470, after line 14), insert the following new section:

SEC. 3302. CONVERSION OF INTERMEDIATE ORES OR COMPOUNDS OF ALUMINUM IN THE NATIONAL DEFENSE STOCKPILE.

(a) CONVERSION REQUIRED.—Pursuant to section 6(a)(3) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(3)), the President shall provide during each of the fiscal years 1991 through 1997 for the refining, processing, or upgrading of intermediate ores or compounds of aluminum stockpiled under that Act in order to increase the quantities of aluminum as follows:

(1) Yearly Increase, 15,000 short tons.

(2) Seven-Year Minimum, 105,000 short tons.

(b) METHOD FOR CONVERSION.—To achieve the increased quantities specified in subsection (a), the President shall—

(1) obtain bids from domestic producers of aluminum; and

(2) award contracts for the conversion of intermediate ores or compounds held in the National Defense Stockpile established by section 3 of that Act (50 U.S.C. 98b) into aluminum.

(c) FAILURE TO ACHIEVE INCREASE.—If, during any fiscal year referred to in subsection (a), the yearly increase required to be achieved under paragraph (1) of that subsection is not met, the quantity of aluminum to be added to the National Defense Stockpile in the next fiscal year shall be increased by the amount of the deficiency.

(Amendment offered by Mr. LEATH of Texas) (Amdt No. 24 in part II of the report of the Committee on Rules)

At the end of section 352 (page 84, after line 23), add the following new paragraph:

(8) Establishment of a command, control, communications, and computers network which supports a base of operations in the North American continent for National Guard and law enforcement agency cooperation.

(Amendment offered by Mr. LEVINE of California)

At the end of title II (page 47, after line 25), insert the following new section:

SEC. 244. SUPPORT FOR ADVANCED RESEARCH PROJECTS.

If an agreement between the Secretary of the Navy and the contractor of the P-7 antisubmarine warfare aircraft is not reached before the end of the 30-day period beginning on the date of the enactment of this Act, $100,000,000 of the amount authorized for such aircraft shall be available for the support (through the Defense Advanced Research Projects Agency) of advanced precompetitive research provided for in cooperative agreements and other transactions authorized by section 2371 of title 10, United Stated Code.

(Amendment offered by Mr. MARTIN of New York) (Amdt No. 26 in part II of the report of the Committee on Rules)

At the end of part C of title III (page 76, after line 24), insert the following section:

SEC. 335. ASSISTANCE PROGRAM FOR EMPLOYEES OF A NONAPPROPRIATED FUND INSTRUMENTALITY ADVERSELY AFFECTED BY BASE CLOSURES.

Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)(1), by inserting after "time limitation)" the following: ", a nonappropriated fund instrumentality employee employed at a nonappropriated fund instrumentality operated in connection with such base or installion,";

(2) in subsection (b)(1), by adding at the end the following: "or employed by a nonappropriated fund instrumentality operated in connection with such base or installation,";

(3) in subsection (k), by striking "and (n) of this section" and inserting "(n), and (o)"; and

(4) by adding at the end the following new subsection:

"(o)(1) Assistance under this section shall be provided by the Secretary of Defense with respect to nonappropriated fund instrumentality employees adversely affected by the closure of a base or installation ordered to be closed, in whole or in part, after December 31, 1988.

"(2) All payments to a nonappropriated fund instrumentality employee under this section shall be made from the funds available to the Secretary of Defense under subsection (d).

"(3) For purposes of this section:

"(A) The term 'nonappropriated fund instrumentality employee' means a civilian employee who—

"(i) is a citizen of the United States; and

"(ii) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(B) The term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code.".

(Amendment offered by Mr. MOODY of Wisconsin) (Amdt No. 17 in part II of the report of the Committee on rules)

At the end of part C of title I (page 24, line 6), insert the following new section:

SEC. 125. REPORT ON ALTERNATIVE MX MISSILE TEST PLANS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on alternative MX missile test plans. The report shall be submitted, in both classified and unclassified forms, by August 1, 1991.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall address the following matters:

(1) A description of the guidelines by the Joint Chiefs of Staff for assessing the reliability of the MX missile during Phase II Operational Testing.

(2) A description of the currently planned Phase II Operational Test program for the MX missile.

(3) A quantitative assessment of the extent to which the guidelines described in paragraph (1) will be met under the MX missile Phase II Operational Test program described in paragraph (2).

(4) A quantitative assessment of the extent to which the guidelines described in paragraph (1) could be met under the MX missile Phase II Operational Test program if the total number of MX missiles procured were reduced from the planned 173 missiles to (A) 126 missiles, and (B) 150 missiles.

(5) A description of any other significant effects of reducing the number of MX test missiles as described in paragraph (4), including (A) an estimate of the associated cost savings, and (B) a description of the effect on existing contractual obligations and how the associated costs could be minimized.

(6) A full description of how information from sources other than missile flight testing, including inspection of missile silos, aging and surveillance programs, production quality control, experience with previously deployed missile systems, and simulation, is factored into the assessment of missile reliability.

(Modification of the amendment offered by Mr. PORTER of Illinois) (Amdt No. 28 in part II of the report of the Commodities on Rules)

The amendment as modified is as follows:

At the end of title X (page 271, after line 3) insert the following new section.

SEC. . ASSISTANCE FOR FOREIGN ENVIRONMENTAL PROJECTS AND RESTORATION.

(a) ASSISTANCE AUTHORIZED.—(1) Chapter 151 of title 10, United States Code, is amended by adding at the end of the following new section:

"§ 2549. Equipment, supplies, and services: foreign environmental projects

"(a) AUTHORITY.—The Secretary of Defense may provide equipment, supplies, and services in connection with foreign environmental projects, including environmental restoration.

"(b) CHARGES.—Equipment, supplies, and services may be provided under this section with or without charge or for a nominal fee.

"(c) CONDITIONS.—Equipment, supplies, and services may be provided under this section only when—

"(1) the environmental project is under the management of a nongovernmental institution and is conducted in cooperation with the environmental officials of the country in which the project is carried out;

"(2) the equipment, supplies, and services can be provided with existing funds of the Department of Defense; and

"(3) the Secretary consults with the Secretary of State.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end of the following new item:

"2549. Equipment, supplies, and services: foreign environmental projects.".

(b) EFFECTIVE DATE.—Section 2549 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1990.

(Modification of the amendment offered by Mr. DENNY SMITH of Oregon) (Amdt. No. 29 in part II of the report of the Committee on Rules)

The amendment as modified is as follows:

At the end of part B of title II (pate 34, after line 25) insert the following new section:

SEC. 217. POLICY CONCERNING NEW CLOSE AIR SUPPORT AIRCRAFT.

(a) CONGRESSIONAL POLICY.—No funds may be appropriated for any fiscal year after fiscal year 1991 for procurement of any close air support aircraft for the Armed Forces unless—

(1) the Secretary of Defense has completed a test that evaluates all feasible alternatives for future airland fire support for ground combat forces in accordance with the test plan approved by the Director of Operational Test and Evaluation pursuant to section 166(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 1990 (Public Law 101-189), which shall include an evaluation of the combat utility of a small, agile fixed-wing aircraft that is sufficiently less expensive than existing fixed- or rotary-wing aircraft alternatives;

(2) the Secretary of Defense has completed a test that evaluates the upgrade programs proposed for the A-16, the A-10, and the AV-8B aircraft for close air support, to include night time operations pursuant to section 166(b)(1)(B) of such Act; and

(3) the Secretary of Defense has completed revisions in Department of Defense documents in order to comply with those recommendations of the studies of close support required by section 1102 of such act.

(b) CONDUCT OF TESTS.—The tests referred to in paragraphs (1) and (2) of subsection (a) may be completed separately or combined into a single test regimen. All such testing should be conducted by a joint Army and Marine Corps evaluation group under the direction of the Secretary of the Navy, who shall act as executive agent for the testing (except that the Director of Operational Test and Evaluation shall perform all responsibilities assigned to the Director by law). Testing shall make maximum use of instrumented facilities at the National Training Center.

(c) FUNDING.—Funding for the tests referred to in paragraphs (1) and (2) of subsection (a) shall be provided from within available appropriations of the Department of Defense in accordance with established reprogramming procedures.

(Amendment offered by Mr. SPRATT of South Carolina) (Amdt No. 30 in part II of the report of the Committee on Rules)

At the end of part A of title XXXI (page 455, after line 19), insert the following new section:

SEC. 3105. FUNDING REDUCTIONS AND ADDITIONS.

(a) FUNDING REDUCTIONS.—(1) The amount provided in section 3102(1) for Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, is hereby reduced by $10,000,000.

(2) The amount provided in section 3103(3) for Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River Site, South Carolina, is hereby reduced by $16,600,000.

(b) FUNDING ADDITIONS.—(1) The amount provided in section 3101(1)(C) for weapons safety is hereby increased by $10,000,000.

(2) The amount provided in section 3101(1)(D) for production and surveillance is hereby increased by $2,000,000.

(3) The amount provided in section 3101(3) for waste transportation and site management is hereby increased by $870,000.

(4) The amount provided in section 3103(1) for operating expenses is hereby increased by $16,600,000.

In section 3102(2), strike out the authorization for Project 91-D-148, reactor charge/discharge training simulator, Savannah River, South Carolina (page 447, lines 7 through 9).

In section 3102(3) strike out the authorization for Project 91-D-170, INEL transportation complex, Idaho National Engineering Laboratory, Idaho (page 449, lines 3 through 5).

(Amendment offered by Mr. WYDEN of Oregon) (Amdt No. 32 in part II of the report of the Committee on Rules)

In the last sentence of paragraph (6) of section 3142 (page 464, beginning on line 5) (international fissile material and warhead control), strike out "plutonium reprocessing facilities" and insert in lieu thereof the following: "facilities for reclaiming plutonium from retired weapons and scrap".

(Amendment offered by Mr. WYDEN of Oregon)

At the end of title C of title XXXI (page 462, after line 5), add the following new section (and conform the table of contents accordingly):

SEC. 3133. SAFETY MEASURES FOR WASTE TANKS AT HANFORD RESERVATION.

(a) IDENTIFICATION AND MONITORING OF TANKS.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall identify which single-shelled or double-shelled high-level nuclear waste tanks at the Hanford Reservation, Richland, Washington, may have a serious potential for release of high-level waste due to uncontrolled increases in temperature or pressure. After completing such identification, the Secretary shall determine whether continuous monitoring is being carried out to detect a release or excessive temperature or pressure at each tank so identified. If such monitoring is not being carried out, as soon as practicable the Secretary shall install such monitoring, but only if a type of monitoring that does not itself increase the danger of a release can be installed.

(b) ACTION PLANS.—Within 120 days after the date of the enactment of this Act, the Secretary of Energy shall develop action plans to respond to excessive temperature or pressure or a release from any tank identified under subsection (a).

(c) PROHIBITION.—Beginning 120 days after the date of the enactment of this Act, no additional high-level nuclear waste (except for small amounts removed and returned to a tank for analysis) may be added to a tank identified under subsection (a) unless the Secretary determines that no safer alternative to adding such waste to the tank currently exists or that the tank does not pose a serious potential for release of high-level nuclear waste.

(d) REPORT.—Within six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on actions taken to promote tank safety, including actions taken pursuant to this section, and the Secretary's timetable for resolving outstanding issues on how to handle the waste in such tanks.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

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

Mr. Chairman, the amendments en bloc that I offer here contain a number of relatively noncontroversial items.

The amendments have been worked out in consultation with the gentleman from Alabama [Mr. DICKINSON], the ranking Republican on the Republican side, and we have a number of amendments. Rather than discuss them, I would like to give some of the authors of some of the amendments a chance to be heard.

Mr. Chairman, I rise in support of my amendment establishing an energy conservation program in the Department of Defense. I am especially pleased to have as cosponsors Mr. MACHTLEY of Rhode Island, Mr. MARKEY of Massachusetts, and Mr. SHARP of Indiana.

Mr. Chairman, the Department of Defense is the largest consumer of energy within the Federal Government, responsible for 81 percent of energy consumption. The total energy bill is about $3 billion per year, with about 30 percent expended overseas.

Implementation of a comprehensive energy conservation program by the Department of Defense would save almost $1 billion per year.

As the largest consumer of energy in the Federal Government, the Department should set an example of sound energy management for all other Government agencies. Just the reverse is true. Energy conservation efforts have been essentially stalled since the early eighties. This has resulted in increased energy use and escalating costs. There seems to have been resistance to spending money to save money.

It is unfortunate the Department has not taken the lead on the issue of energy management and conservation. Last year the Armed Services Committee directed the Department to spend $20 million in energy management and conservation measures. None of the money was spent despite a long list of eligible projects with paybacks of less than 3 years.

Whether the lack of action was due to a lack of interest or other priorities, the Department's performance is unacceptable.

To correct this appalling situation, H.R. 4739, the national defense authorization bill, includes $50 million to implement a comprehensive energy conservation program.

My amendment, cosponsored by Mr. MACHTLEY, Mr. MARKEY, and Mr. SHARP directs the establishment of a program for reducing energy in defense facilities. The Secretary of Defense would be required to set an energy performance goal for the years 1991 through 2000 and to develop a comprehensive plan to accomplish energy conservation measures to achieve the goal. In addition, incentives would be provided to installation commanders to encourage additional savings.

Mr. Chairman, energy conservation makes sense. It reduces environmental damage, saves money, and decreases our energy dependence. I urge my colleagues to support this important energy conservative initiative by voting for the Aspin-Machtley-Markey-Sharp amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I thank the gentleman for yielding me this time and for his assistance.

Mr. Chairman, included in the committee en bloc amendment is an important safety provision for our Nation's defense complex.

One of the most serious safety problems at our Nation's nuclear weapons plants does not involve the weapons themselves or the machines used to build them. It involves the waste from over 45 years of bombmaking.

At the Hanford Reservation, near the Columbia River, over 50 million gallons of deadly high-level waste rest for the moment in underground tanks. At least four times in Hanford's history a waste tank has gotten so hot that it has uncontrollably shot off clouds of radioactive steam.

And now scientists and engineers have public acknowledged the possibility that the chemicals in some of these tanks could actually explode, scattering deadly contamination, posing a serious threat to the workers at Hanford and perhaps also to the surrounding population.

The resulting mess—well, let's put it this way: We aren't sure now how to clean up an intact tank. Who knows what to do with a ruptured one? A waste tank explosion allegedly occurred in a Soviet nuclear facility in 1957 that wiped whole villages off the map permanently.

The Secretary of Energy's Advisory Committee on Nuclear Facility Safety, in a letter to the Secretary last July, stated flatly:

The waste tanks are a serious problem. The possibility of an explosion of an unstable chemical—such as ferrocyanide—or a flammable gas must be taken seriously * * *.

Further, the committee observed that, "The operating staff appears to be unconcerned about the hazard." A separate departmental report issued this summer confirmed that the operators had recognized the potential for explosion for years but not adequately respond-

ed to it. The operators had systematically failed to follow departmental procedures on reporting unusual events that could have been symptoms of serious danger. Also the Department admitted it had released "incomplete, inaccurate, and misleading" information to the public about some of the tank problems.

The Secretary's Advisory Committee recommended that the Department continuously monitor the suspect tanks for signs of trouble, and develop action plans in case signs appear or an explosion happens. The committee also recommended accelerated research on the contents of these tanks and the explosive reactions they may undergo. We know far too little about the contents of these tanks and their chemistry.

The provision in the en bloc amendment, worked out in cooperation with the Department, embodies some of those recommendations. It outlines some basic safety steps that the Department has agreed to take—identifying problem tanks, monitoring them, drawing up contingency plans, and restricting tank use. The Department also promises to come back to Congress in 6 months to report on how it will resolve outstanding tank safety and disposal issues.

This provision must be the first, not the last word on the tank problems. We know too little today about the degree on hazard or how to reduce it. But we do know that the potential consequences of an explosion in the tanks are unthinkably great. We must begin to address this issue.

The Department has asked me to explain the intent of this provision concerning the Department's plans to restart the Purex facility at Hanford. It is not the intent of this amendment to prejudice the decision of whether to restart Purex. The Department can continue to use tanks not identified as safety concerns for waste from operations like Purex.

The Department faces a steep challenge: It has committed to deal with the complex environmental problems of the Hanford site under the deadlines of the site cleanup agreement. Those deadlines represent a promise—a promise the Department must keep if it wants credibility with the Congress and the people. Short-term safety and long-term cleanup must not be an either/or choice. I urge the Secretary, in the report called for in this amendment, to state what the Department needs to deal with the tank problem while meeting its cleanup milestones.

Mr. Chairman, I want to thank the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], for his assistance, his cooperation; the minority and the Department have assisted as well.

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

Mr. Chairman, we have arrived at that point in our deliberations where we have agreed to lump a number of amendments together, and I would like to speak to the procedure more than to the individual elements of the en bloc amendments.

In looking them over, I have no particular heartburn with any one of them. By agreement, if they were controversial on this side, they would not be in the en bloc.

However, there is some unhappiness on this side of the aisle that I would like to discuss. As I said, they are in the main, uncontroversial, but I believe the chairman and I will need to have a discussion on this process before we run into similar kinds of problems in the future.

The problem I have is very evident when you look at the evolution of the package; 132 amendments were filed with the Committee on Rules. After the big debate was structured, 114 amendments remained for consideration. The ratio of Democrat to Republican amendments requested at this point was approximately two to one. With the ratio of the House, the makeup of the House, that is not too surprising. When the second rule was reported by the Committee on Rules, 34 general amendments were made in order. Suddenly the ratio of Democrat to Republican amendments eligible for en bloc jumped to three to one. Now, today, the en bloc package before the House consists of 21 amendments, only 4 of which are Republican, and suddenly the ratio of Democrat to Republican amendments for en bloc has jumped again. This time it is 5 to 1.

While I do not oppose the en bloc package, I do not feel in good conscience that I can urge my Republicans colleagues to support it willy-nilly just on the grounds that it is uncontroversial. There were some amendments that had been attempted by Members on my side that were denied to them, some denied for no apparent reason, and so the disproportionate allowance of amendments and the disproportionate numbers requested by Republicans and Democrats has sort of grown out of kilter. I am not faulting anyone, the chairman or anyone else, for the way we have arrived at this, but in the past, really, we have had more of an input from the inception. It was not until about a week ago that the two staffs got together and started working out the en blocs when, in fact, many of them had already been decided before the staffs even got together.

I am just expressing this caveat for future negotiations and the future handling of the bill. I do not think this is a fair apportionment. Some of our Members feel aggrieved, and they want a vote.

There is no particular amendment in here that I am going to oppose, but I am just expressing this as a reason for the unhappiness on this side, and I hope that it can be obviated in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, in today's action on the Defense authorization bill for fiscal year 1991, the U.S. House of Representatives has wisely acted to promote arms control in an area which has not received much attention for some time. The Congress acted on an idea first proposed by Bernard Baruch in 1946, expanded upon by President Eisenhower in 1953, and most recently adopted by the House of Representatives in 1989 in the Fascell-Wyden amendment to the fiscal year 1990 Defense authorization bill: The control and elimination of fissile material—plutonium and highly enriched uranium [HEU]—for weapons purposes.

Congressional action this year reflects a concerted attempt by the Congress to raise the profile of this issue on the superpower agenda. In this regard, the House of Representatives voted to urge the President to enter into negotiations with the Soviet Union to ban the production of plutonium and HEU for weapons purposes.

Progress in United States-Soviet and multilateral arms control negotiations, a changed security environment, a changing Soviet-Warsaw Pact relationship, as well as significant changes underway in the Soviet Union, have contributed to a resurgence of support for the concept of fissile material control in the Congress as well as in the arms control community. As we move into the 1990's and as the United States and the Soviet Union agree to deeper cuts in their strategic nuclear arsenals, a negotiated ban on the production of fissile material for weapons purposes becomes even more meaningful, highlighting the associated need for methods of warhead dismantlement, including storage and monitoring of fissile material from such dismantled warheads.

Not only would a negotiated United States-Soviet ban on the production of fissile material for weapons purposes lay the groundwork for future verifiable arms control agreements that seek to destroy warheads, but it would increase the political pressure on nuclear weapon states to halt their own production and put their facilities under safeguards. Moreover, a United States-Soviet ban could result in other nonweapon states foregoing a move toward the production of fissile material for weapons purposes.

In his testimony before the House Foreign Affairs Committee last year, Dr. Wolfgang K.H. Panofsky, director emeritus and professor of the Stanford Linear Accelerator Center, Stanford, University, described several reasons why a negotiated and verifiable ban on the production of fissile material for weapons purposes is timely. Namely, he explained that the requirements for fissile material are likely to decrease as a result of past and future arms control negotiations and unilateral decisions to decrease weapon deployments and therefore a ban on production is a commonsense response to these developments. Moreover, efforts to extend the Treaty on the Nonproliferation of Nuclear Weapons [NPT] in 1995 would be greatly enhanced if the United States and the Soviet Union acted to constrain their pro-

duction of fissile material for weapons purposes by placing full-scope safeguards on their civilian facilities. This would remove one of the inequities between the nonnuclear and nuclear weapons states frequently cited as a criticism of the NPT, Dr. Panofsky points out.

A ban on the production of fissile material for weapons purposes would also contribute to the efficacy of warhead dismantlement and destruction procedures. Such procedures will more than likely be part of future arms control agreements, perhaps even a START I agreement. Moreover, the development of new technologies for enriching uranium and upgrading plutonium from reactor to weapons grade could be a dangerous development that could be averted by banning the production of fissile material for weapons purposes. As Dr. Panofsky explained, it would be an easier task to control these technologies now, rather than after they are widely used.

It is time for both the United States and the Soviet Union to abandon their plans for continuing the production of plutonium for weapons purposes. With a half life of 24,000 years and 100,000 kilograms of plutonium in each of the United States and Soviet stockpiles of nuclear weapons, there is no need to continue production of this material.

The United States and the Soviet Union have been producing plutonium and HEU for weapons purposes—the ingredients for our nuclear bombs—since the 1940's. The United States ceased plutonium production for weapons purposes in 1988, primarily because of environmental concerns at our nuclear sites. As for HEU, the United States stopped production for weapons purposes in 1964. The Soviets announced in April 1989 that they planned to stop HEU production, they had already shut down one plutonium reactor, and they would shut down two more plutonium reactors, reducing the number of reactors remaining open from 14 to 11. Since that time, the Soviets indicated that they would shut down another five reactors and at the U.N. General Assembly in 1989, Soviet Foreign Minister Shevardnadze announced that all military reactors would be shut down by the year 2000. As both sides have roughly 100,000 kilograms of plutonium and roughly 500,000 kilograms of HEU In their stockpile of nuclear weapons, both sides have an adequate deterrent stockpile of plutonium and HEU. HEU has a half-life of about 500 million years.

In other testimony before the House Foreign Affairs Committee, it was explained that there are a number of ways to manage the existing inventory of plutonium without producing additional plutonium. As David Albright, senior staff scientist at the Federation of American Scientists explains, these methods include: Continuing to develop more realistic projections of the number of nuclear weapons that are necessary to build; more closely matching the retirement of obsolete weapons with the deployment of new weapons; reclaiming the backlog of some 10 metric tons of plutonium in manufacturing scrap; and more efficiently processing plutonium in the warhead fabrication and dismantlement system. Therefore, by recycling the plutonium in the pipeline, a steady supply of plutonium is maintained to meet our needs.

By negotiating a bilateral ban on the production of fissile material for weapons purposes, the United States could take advantage of its unilateral halt to plutonium production for weapons purposes by engaging the Soviets in a ban on their production as well.

In an environment of increasing budget cuts, such a ban could also make available needed funds for cleaning up our military reactor sites where tons of radioactive and chemical waste have poisoned our ground water, air, and soil for much of the last 40 years of warhead production. Estimates of the cost savings from such a ban reveal an over $10 billion savings over the next 20 years.

Perhaps one of the most compelling reasons for addressing this issue now relates to the radically different relationship emerging between the United States and the Soviet Union. The Soviet Union is changing, the countries of Eastern Europe are changing and with those changes the overall threat has been significantly reduced. A new era of cooperation with our former adversaries should result in new arms control agreements that reflect the significantly reduced threat and impede the return to the arms races of the cold war era.

Following, or along with a ban on the production of fissile material for weapons purposes, the United States and the Soviet Union should discuss the technical details of warhead dismantlement. As in past agreements, the START agreement on the table in Geneva does not call for the dismantlement of a single warhead—that is the fissile material. Under the INF Treaty, and as currently envisioned by the proposed START agreement, the nuclear warhead is removed and returned to the inventory of the respective country of ownership—the United States or the Soviet Union.

In other words, if the warheads affected by the INF Treaty were to be dismantled, then the fissile material would go back into the United States and Soviet nuclear pipeline and could potentially be used on a 1-for-1 up to a 3-for-1 basis. This means that for every INF missile destroyed, the fissile material in the warhead could be used to make about three fission bombs. As there are no restrictions on warheads under the INF Treaty, the United States and the Soviet Union could store those weapons and their fissile material for future use on other delivery vehicles or for remanufacture into other warheads.

Reductions in the missiles and launchers are without question, important and necessary, but we could derive a further arms control benefit if we also dismantled the warheads and ensured that the fissile material is not used to make more warheads. Moreover, if the United States and the Soviet Union conclude a START agreement that calls for reductions only in delivery vehicles, we will potentially be freeing up significant numbers of warheads that will be available for use on other delivery vehicles or for remanufacture into other warheads. This becomes an even larger problem as we conclude deeper reduction agreements that could highlight a greater risk of breakout. For example, warheads could be stockpiled or remanufactured into other warheads over time and then used to breakout of an arms control agreement. If the warheads are dismantled and the remaining fissile material is stored under safeguards in an unusable form, the chances of a successful breakout are greatly reduced.

Furthermore, coupling START reductions with the withdrawal of nuclear artillery and tactical nuclear weapons from Europe and future negotiations on short-range nuclear forces, increases the amount of fissile material that will become available and therefore increases the need to manage it. Again, an agreed upon United States-Soviet method of storage and monitoring of warheads and fissile material would greatly reduce the chances of fissile material from old weapons being used in new weapons.

Verification of such a ban on the production of fissile material for weapons purposes is feasible through a combination of national technical means and onsite inspection. In fact, the example of the International Atomic Energy Agency [IAEA] reveals a workable and credible system of safeguards.

The IAEA represents some 30 years of experience in safeguarding nuclear facilities. The United States and the Soviet Union have voluntarily opened up many of their nuclear facilities to inspection by the IAEA as a step to ease concerns by nonweapons states party to the NPT about unfair discrimination between nonweapons states and weapons states under the treaty. Both superpowers have submitted to the IAEA lists of facilities available for inspection.

A negotiated agreement to ban the production of fissile material for weapons purposes must verify that civilian use of fissile material is not diverted to weapons use and that militarily significant clandestine production of fissile material for weapons can be detected. As David Albright explained in testimony before the committee: The IAEA has an established system of surveillance, seals, and onsite inspection known as safeguards in nuclear facilities in over 50 nonnuclear weapon states in order to verify that these countries are not using these facilities for the acquisition of nuclear explosives. A United States-Soviet bilateral inspection regime would therefore consist of methods developed by the two countries and the International Atomic Energy Agency.

The administration is missing an opportunity to take the high ground and enter into negotiations with the Soviet Union to ban the production of fissile material for weapons purposes, especially now, in the wake of our own current unilateral halt in plutonium production.

The administration's opposition to such a cutoff is a departure from its policy of embracing and encouraging changes underway in the Soviet Union and Eastern Europe in other areas. It is unfortunate and ironic that at a time when the United States is negotiating with the Soviet Union to reduce both side's strategic nuclear arsenals, reduce the conventional imbalance in Europe, destroy and eliminate both side's chemical weapons stocks, and verify nuclear tests, the United States remains intransigent in the area of a fissile material production ban for weapons purposes. Why does the Bush administration take a different approach on this issue? Why the insistence on isolating this issue, especially when the benefits in terms of arms control, the environment, cost and cooperation, are so clear?

Much progress in this area, however, has been made in this year's Defense authorization bill for fiscal year 1991 in which the House of Representatives:

First, urges the President to begin negotiations with the Soviet Union to achieve agreements on the dismantlement of nuclear warheads and to end United States and Soviet Union production of plutonium and highly enriched uranium for nuclear weapons;

Second, urges the President to establish with the Soviet Union a mutual technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to nuclear arms reductions agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads and arms reduction agreements between the United States and the Soviet Union that would ban the production of fissile material for weapons purposes;

Third, requires the President to submit a report to the Congress by April 30, 1991, on the onsite monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify dismantlement of nuclear warheads of the Soviet Union under an agreement between the United States and the Soviet Union requiring such dismantlement and that could be used to verify a mutual ban on the production of fissile material for nuclear weapons;

Fourth, requires the President to establish a technical working group not later than December 31, 1990, to advise the President on issues relating to nuclear material monitoring and nuclear warhead dismantlement and to prepare the report described in the section above; and

Fifth, requires the Secretary of Energy to use funds available to the Secretary for national security programs to carry out a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

While the Baruch and Eisenhower plans were radical proposals for their time, the vision of fostering the beneficial uses of atomic energy and eliminating the production of fissile material for weapons purposes through an international system of control over civilian and military atomic activities, is even more important today. If such a system had been implemented 40 years ago, the problems of proliferation and the environment would be greatly alleviated today. But we cannot go back. The most we can do is to take responsibility for our excesses and attempt to rectify the situation as best we can.

As a result of our efforts last year to reorder our priorities to reflect arms control and environmental concerns, the House last year voted to adopt the Wyden-Fascell amendment to urge United States-Soviet negotiations to ban the production of fissile material for weapons and to eliminate funding for the strategic isotope separation [SIS] plant in Idaho, which would have wasted at least a billion dollars for producing weapons grade plutonium that we do not need. As a continuation of this effort this year, in the fiscal year 1991 Defense authorization bill, the House voted to keep a bilateral ban on the production of plutonium for weapons purposes on the superpower agenda and to decrease our nuclear weapons budget by $242 million. The United States is not now producing fissile material for weapons purposes. The next step is for the administration to initiate the process of negotiation with the Soviet Union to ban such production on their part.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

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

Mr. Chairman, I particularly want to thank the chairman and his staff for cooperating with us to produce one of the en bloc amendments.

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Mr. Chairman, my amendment deals with an issue that has received little attention to date: Procurement of the optimum number of MX test missiles. Every missile system requires procurement of additional missiles in order to conduct operational testing and to have spares on hand. Phase II operational testing is conducted throughout the deployment period to maintain system reliability and the Aging and Surveillance Program monitors how missile components age and provides spares. Test missiles are rotated into silos so that those in silos can be used in flight tests.

Currently, the Air Force plans to procure 71 missiles over the next 6 years—12 missiles per year through fiscal year 1995 and 11 missiles in fiscal year 1996—for a total buy of 173 missiles. Congress has already authorized 102 missiles. Under current plans, Congress will be asked to provide $4.1 billion for this program over the next 6 years. The cost for fiscal year 1991 is $673.7 million.

Uniquely in the case of the MX missile, our investment in test missiles and spares will far outweigh the cost of the missiles to be actually deployed. In order to deploy 50 MX missiles, we are asked by the Air Force to build 123 testing missiles and spares. Three-quarters of the MX missiles we plan to build are for testing and spares yet few questions have been aked about our testing program.

These questions arise: First, do we need 15 spares for only 50 deployed missiles? Second, do we actually need 107 test missiles? Third, what is the most efficient rate of production for the missiles we procure?

Most important, Congress needs to clearly understand the relationship between cost and reliability. Operational testing will provide a marginally higher level of confidence that the MX missile will work when and if fired. How much does that margin increase our actual security? What if any impact does it have on deterrence? How much does Congress have to pay to achieve a marginal increase in confidence?

My amendment seeks to address these questions by asking the Secretary of Defense to provide several pieces of information. First, it asks for a description of the guidelines the Joint Chiefs of Staff have established for assessing the reliability of the MX missile during phase II operational testing. Second, it asks for a full description of the currently planned test program and the extent to which this program will meet the guidelines of the Joint Chiefs of Staff. Third, it asks the Secretary of Defense to describe the levels of reliability that would be reached if the test program were modified downward. Finally, it asks the Secretary of Defense to describe how information from sources other than operational testing itself—and there are many other sources of information—is factored into the assessment of missile reliability.

Mr. Chairman, it is my hope that the report we have requested will give us the answers we need to make intelligent decisions about the MX Test Missile Program. Given the tremendous demands on limited defense resources, we have an obligation to ensure that each million dollars spent contributes a justifiable amount to our security. This amendment will help us to evaluate whether expenditures on the MX phase II operational testing and aging and surveillance programs meet that crucial test.

I appreciate the cooperation and assistance of the Armed Services Committee and I would like to thank Chairman ASPIN for including my amendment in his en bloc measure.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I appreciate the opportunity to offer my amendment to the DOD bill today. I want to commend the chairmen of the Armed Services Committee and the Foreign Affairs Committee for their commitment to controlling the proliferation of ballistic missiles.

My amendment concerns the dangerous problem of ballistic missile technology proliferation. This amendment is very similar to legislation we passed nearly unanimously on the House floor on this bill last year. The amendment mandates the denial of certain privileges of doing business with the United States to companies which irresponsibly transfer dangerous missile equipment and technology to other countries.

Missiles, because of their speed, their ability to carry weapons of mass destruction, and because they are unrecallable, pose a unique threat to world stabillity.

Their existence in Iraq constitutes probably the single most destabilizing factor in the ongoing gulf crisis.

Two years ago, the United States and six of its allies decided to adhere to a set of export guidelines, incorporated in the missile technology control regime, which forbid the export of goods and technology to ballistic missile programs in other countries.

Yet, practically every day we see an example of how—usually Western—companies evade the principles embodied in the MTCR—so far without punishment in the several instances with which I am familiar.

Some of these companies continue to do serious defense business with the United States. The company most responsible for helping the Iraqi missile program does millions of dollars of business with the United States.

This kind of behavior is simply unacceptable. I understand that some member countries are trying to toughen up their laws to crack down on the violating companies, but I think we can effect the desired halt in this kind of activity with tools readily at our disposal.

My amendment would require the President to make a determination as to whether a company was exporting MTCR items in a way which be prohibited in the United States. If he so determined, he would be required to impose at least one sanction on that company. The sanctions include denial of U.S. Government contracts and denial of advanced technology which requires a U.S. Government export license.

I urge my colleagues to join me, along with my cosponsors, Messrs. GEJDENSON, KASICH, and SOLOMON, to support this amendment. This is a moderate approach, but one which I am certain can have real effect.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I would like to thank and commend the committee chairman, the gentleman from Wisconsin [Mr. ASPIN] for his efforts in putting together what I view as a very comprehensive and very timely piece of legislation on energy conservation in the military. I would also like to thank the chairman for incorporating some of the ideas and the thoughts which my distinguished colleague, the gentleman from Massachusetts [Mr. MARKEY], and I worked on in an earlier piece of legislation.

This amendment, sponsored by Chairman ASPIN, myself, and Representatives MARKEY and SHARP, authorizes $50 million for a unique program of incentives to promote savings through energy conservation and greater energy efficiency in the Defense Department. I appreciate the chairman's incorporation of some of the ideas from the legislation.

Mr. Speaker, recently we have spoken a great deal about the cost of the military situation in the Middle East. However, the real cost to Americans began long before the sudden crisis as we steadily put our energy dollars into unreliable fuel imports.

This lack of a long-term, responsible energy policy has cost us. Putting so many of our energy dollars into the hands of Saddam Hussein is like depositing all of our money in Vernon Savings & Loan. It's questionable investing at best.

The recent military crisis in the Middle East has forced us to recognize the gaps in our energy policy. Now, it is time to put our house in order.

Now is the time to reverse the national policy of waste our voracious and uncontrolled appetite for energy has helped create causing havoc with our balance of payments and placing great demands on our fragile environment.

At over two-thirds of the Federal Government's energy costs for buildings and facilities, the Defense Department is the largest single energy consumer in the Federal Government. Moreover, according to a recent report by the House Armed Services Committee, a comprehensive Defense Department energy conservation program could save $540 million a year.

The Defense Department energy program considered today initiates a logical, responsible effort to reward conservation and more efficient use of our resources and to encourage a more independent energy policy in the national interest. I urge your support.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, today, as 100,000 U.S. troops protect oil fields in the gulf, we have the opportunity to recommit our domestic forces to lessening our overreliance on imported oil.

In June, Representative MACHTLEY and I introduced H.R. 5163, the Military Energy Conservation Act—the bill from which this amendment evolved. I commend Chairman ASPIN and Chairman SHARP for their willingness to move forward so quickly on H.R. 5163 and for their guidance and support in bringing this amendment before the House.

Between 1975 and 1985, the Department of Defense, among all Government agencies and branches, was the most successful in achieving energy savings. Yet there are significant savings still available—and more than just small change. Federal spending on energy last year approached $9 billion, and the Defense Department's energy budget—for heating and cooling buildings alone—exceeds $2.5 billion a year. This represents over 80 percent of the total Federal energy budget for facilities. In 1989, the Armed Services Committee estimated that as much as $540 million a year could be saved by a comprehensive energy conservation program in the Defense Department.

This amendment gives the DOD both the will and the way to further pursue conservation. It will provide the DOD with the money—and the base commanders with the incentive—to continue their good work.

At present, there is little reason for a military base commander to begin a program of investment in energy conservation or renewable energy technologies. In pursuing conservation, base commanders must divert the precious resources of money and staff time to new plans and strategies. These strategies will, in the end, save the Government a considerable amount of money. Yet those stationed at a base currently see no benefits from their efforts. These individuals are on the frontline of the war against waste, and they should be compensated for their role.

This amendment rewards conservation by allowing the base to retain one third of accomplished savings for military housing, minor military construction, and morale and recreation programs. Another third will go to the Treasury for deficit reduction, and the remaining one third will be targeted for further energy investments at the base.

Eventually, our soldiers in the Middle East will return home following their critical mission. It is my hope that the bases—and the country—to which they return will soon, through conservation and the use of renewable energy, be less reliant on foreign oil. This will save our Nation money in energy expenditures, slow the deterioration of our environment, and, importantly, lessen the chance of a return to the desert to protect foreign energy supplies.

Mr. DICKS. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 4739, which includes a critical amendment that I introduced to better ensure that we proceed in a responsible manner in addressing the cleanup of dangerous wastes that have accumulated at defense production sites and assembly plants under the Department of Energy's jurisdiction.

Due to over 40 years of materials production activities that were paralleled by the inadequate treatment and storage of both high-level and low-level wastes at Department of Energy sites, the Nation has inherited a dangerous legacy that threatens both human health and the integrity of the environment. Some of these wastes will remain radioactive for thousands of years and cannot simply sit idly and poorly stored. The threat of contamination to ground water reserves and to river systems is of particular concern in areas like the Pacific Northwest, where a large number of communities live close to the water supply that is in close proximity to the DOE site.

The issue of defense waste cleanup is one that both the Congress and the American taxpayer will be facing for many years to come, with costs expected in the range of $150 bil-

lion. In order to expedite cleanup, the Department of Energy now estimates that it needs $29 billion during the next 5 fiscal years, including $4.4 billion in fiscal year 1991, and $5.9 billion in fiscal year 1992. I believe that the public and the Congress should have access to all information necessary to make a determination as to whether these cost projections are accurate, and that there is a complete accounting for how funds are specifically spent. This amendment helps to address concerns for cost accountability.

We are beginning to see progress in both the management and the funding of this problem, as well as the development of promising techniques such as virtrification. However, we must remain vigilant in ensuring that the Department of Energy takes seriously its responsibility to clean up wastes at defense sites. Given that it is projected to take a minimum of 30 years to meet to obligations for cleanup, it is imperative that at this front end stage of addressing the problem, that we do everything possible to structure the waste program correctly, and set up a system of accountability.

My amendment is a step forward in moving the Department toward proper accountability and implementation. Under this provision, the Department of Energy is required to submit to Congress by next April, a report that details how it will implement a management plan for environmental restoration and waste cleanup during the next 5 years. The report calls for the Department of Energy to provide a detailed description of its plans in several key areas, including: management capabilities necessary to carry out environmental programs, current Department management capabilities and inadequacies, technical resources including staff and management information systems, an explanation of assistance needed by other Federal agencies and private contractors, and cost verification and quality control elements.

This amendment has the support of the various committees of jurisdiction in the House, and the administration has indicated that it will comply with the elements of the provision.

I urge my colleagues' support for the en bloc amendment which includes this provision.

Mr. JONES of North Carolina. Mr. Chairman, section 1324 of the bill contains an authorization for a program of construction and commercial operation of cargo ships that incorporate features essential for military use. This is commonly referred to as the fast sealift program.

There remain $375 million from the fiscal 1990 Defense appropriation for a fast sealift program. Section 1324 provides the necessary authorization and is intended by its proponents to provide the impetus for the obligation of the available funds.

I wholeheartedly support the concept of construction of fast sealift ships. The Merchant Marine and Fisheries Committee is reviewing the sealift involved in supporting Operation Desert Shield. Our investigation is still underway, but there is no doubt but that we will conclude that the United States needs more modern cargo ships for military support and supply.

Mr. LENT and I were concerned that section 1324 as approved by the Committee on Armed Services was not specific enough regarding the operation of the vessels constructed under the program. We proposed an amendment to section 1324 and testified before the Rules Committee. The rule preserved our right to offer an amendment during House consideration of H.R. 4739.

Negotiations with the Committee on Armed Services resulted in a compromise amendment which is incorporated into the en bloc amendment now offered by Chairman ASPIN.

The amendment makes clear that Congress expects that the Secretary of the Navy, in consultation with the Maritime Administrator, shall charter each vessel constructed under the fast sealift program for commercial operation. Commercial operation is the preferred use of the vessels. A vessel in use is kept in a better state of readiness than one held in reserve. Also, commercial operation means that seafarers are actually working, and this strengthens our pool of trained mariners.

The amendment relies on the competitive bidding process to determine the appropriate charter rate. The competitive bidding procedures will ensure that the United States obtains the highest charter rates consistent with good business practice.

There are certain restrictions on the commercial charter of the vessels. First, the charter must require that the vessel be documented under the U.S. flag. Next, the charter can only permit operation of the vessel in the foreign commerce of the United States; operation in the coastwise trade is not allowed. Also, the charter can be made only with one who is a citizen of the United States, as defined in section 2 of the Shipping Act, 1916; this means that for a corporation, partnership, or association, the controlling interest therein must be owned by citizens of the United States, and also, for a corporation, its president or chief executive officer and the chairman of its board of directors must be citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum can be noncitizens. Also, the corporation must be organized under the laws of the United States or of a State, territory, district, or possession thereof.

The amendment permits the Secretary of the Navy to operate the vessel—or contract to have it operated—in direct support of U.S. military forces during a time of war or national emergency and at other times when the Maritime Administrator determines that the operation would not unfairly compete with another U.S.-flag vessel.

If the Secretary determines that a vessel constructed under the program no longer has commercial utility, he may transfer it to the Maritime Administration for retention in the National Reserve Fleet.

The modified Jones-Lent amendment, as incorporated in the Aspin en bloc amendment, makes clear that the normal mode of operation for these fast sealift vessels is commercial charter. It prevents charters for coastwise operation; this protects existing coastwise operators who are not subsidized and who acquire their vessels in U.S. shipyards at commercial prices. It allows direct operation of the vessels by the Secretary of the Navy in very limited circumstances and protects against unfair competition for commercial operators in those cases.

Mr. BENNETT has worked tirelessly to promote fast sealift. Events in the Persian Gulf demonstrate how correct he is in his call for the acquisition of fast sealift ships. I thank him for his willingness to work with Mr. LENT and me to modify section 1324 in a way acceptable to all of us.

Mr. KENNEDY. Mr. Chairman, I rise today to urge my colleagues to support the Kennedy amendment to the national defense authorization bill of 1991. The language has been included within the en bloc amendment offered by the distinguished chairman of the Armed Services Committee, Mr. ASPIN, and it is language that has received broad support.

The Kennedy amendment would require the primary contractor to submit an annual statistical report to the Secretary of the Army regarding its subcontracting and recruitment practices in Northern Ireland.

The report would reflect the recruitment statistics, subcontracting practices and employee composition data of the firm's C-23 Sherpa aircraft project. It is meant to seek accountability and is subject to congressional review by April 1, 1991.

As taxpayers, we should insist that companies contracting under the Federal Government set examples in their hiring practices.

History has attest to the fact that discrimination exists in Northern Ireland and the depth of this discrimination has affected every sector of that nation's society.

Until 1989, the unemployment rate for Roman Catholics in Northern Ireland was 2.5 times the unemployment rate for Protestants. The Catholic population is currently 40 percent, yet some firms still have a Catholic work force that is not representative of the population.

I am encouraged by the effort made to balance employment and contractual opportunities, and I believe that the annual report would serve as testimony to the contractor's resolve to adhere to congressional intent.

Mr. Chairman, today's vote is a chance to further worker's rights.

It is an opportunity to encourage equal employment, as well as an avenue to support accountability in government procurement. Therefore, I would urge my colleagues to support each of these important ideals by voting "yes" for the Aspin en bloc amendment.

Mr. MORRISON of Washington. Mr. Chairman, I agree with the intent of Mr. WYDEN's amendment, which is to promote the safe management of single and double-shelled tanks used for the storage of high-level radioactive waste at the Hanford Reservation in the State of Washington. It should be noted that the amendment is intended to allow the continued use of double-shelled tanks that do not present a safety concern, as identified by the Secretary of Energy under section 1313(a) of the amendment, for the receipt of waste resulting from future Hanford operations; such waste can include the waste produced from evaporators, decontamination and decommissioning activities, and the operation of the Purex plant. Mr. WYDEN's floor statement also clarifies this intent.

Mr. MARTIN of New York. Mr. Chairman, my amendment changes 42 U.S.C. 3374 to include nonappropriated fund [NAF] employees

in the Homeowner's Assistance Program and further directs that any payments made to NAF employees under this program shall be made from appropriated funds. The amendment would provide assistance to nonappropriated funds to Federal employees who are required to relocate due to base closure or realignment actions. The assistance provided would be the same as that which is provided to all other Federal employees under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966—42 U.S.C. 3374—commonly known as the Homeowner's Assistance Program [HAP]. The HAP, as currently written, does not provide for nonappropriated fund [NAF] Federal employees. When a base is closed or realigned to the extent that NAF facilities are closed, these employees will be required to relocate. As Federal employees, they should have the same protection from declining property values that other Federal employees have.

Nonappropriated fund employees should be treated the same as any other Federal employee under the HAP. This amendment is an improved version of H.R. 4430, which I introduced earlier this year. H.R. 4430 was jointly referred to the Armed Services Committee and the Committee on Banking, Finance and Urban Affairs, which is the primary committee of jurisdiction for the HAP. I have discussed this amendment with the chairwoman and the ranking minority member of the Subcommittee on Economic Stabilization of the Banking Committee and they support this amendment. It is only due to an oversight that NAF employees were not included in the original act.

The Departments of Defense and the Army, who is executive agent for the HAP agrees and supports this amendment. The Departments of the Army and Air Force Exchange Service also supports the amendments.

I would like to thank the chairman of the committee, Mr. ASPIN for his support in including this amendment in the 1991 Defense authorization bill. I would also like to thank the chairwoman of the Subcommittee on Military Installations and Facilities, Mrs. SCHROEDER, and the chairman of the moral, welfare, and recreation panel, Mr. LEATH for their support on this needed correction to an unintentional oversight in the Homeowner's Assistance Program.

Mr. LAGOMARSINO. Mr. Chairman, I rise to go on the record as opposed to the Moody amendment as originally proposed, to delete funding for the procurement of 12 MX Peacekeeper test missiles. I am encouraged that this amendment has been modified to more responsibly require an examination of our test missile procurement.

The procurement of test missiles does not increase the number of MX Peacekeeper missiles in our strategic arsenal. That number remains capped at 50. As it has consistently done in the past, the Armed Services Committee has authorized test missiles so that we can run tests to ensure that the missiles and their launch mechanisms work and are safe.

Our test missiles carry dummy, not nuclear warheads. They are launched from a test site—Vandenberg AFB in my district—out to a test range. While some items can be checked through simulation, nothing replaces an actual launch. We just don't know if it will follow the simulated program. To eliminate this critical type of testing is irresponsible and directly undermines our strategic triad and therefore directly undermines our national security.

Our nuclear deterrent has helped protect our freedom and interests, has helped foster the democratic changes we're seeing all over the globe today and has kept the peace for the past 45 years because it is credible. The only way we, our allies and any potential adversaries know it is credible is through testing—launching a rocket and making sure it works. Proposals like the original Moody amendment would effectively kill testing of one of the most important parts of our strategic triad for nothing.

Ballistic rockets are complex mechanisms. In addition to ensuring their reliability, test launches are critical for ensuring safety. The MX missile is a nuclear weapon with immense destructive power. Congress rightly insists on the most stringent testing requirements for safety and effectiveness of other weapons. It makes no sense—in fact it's downright dangerous—to have lesser standards for our ICBM's. But, that's what eliminating testing missiles really does. The service men and women handling these weapons, the people living near them and the public as a whole demand better. We must ensure these missiles are safe.

The original Moody amendment is a very poor and dangerous way of eliminating MX Peacekeepr production. Again, I emphasize these test missiles do not increase the number of deployed MX's. We all recognize the changing strategic situation and the positive environment for reducing nuclear arsenals. However, these cuts must come through negotiation and be accompanied by acceptable verification, not unilateral disarmament. Such cuts will only be made if we know we can rely on the weapons we have left. Adequate testing programs ensure that. By attacking our noncontroversial testing program, we actually lessen the incentives for arms reductions setting arms control way back.

The only alternative to halting our testing program, is to reduce the number of deployed MX missiles by using some of them as test missiles without replacement. In other words, the United States would be forced to eliminate a cornerstone of our national defense and eliminate a potentially key negotiating chip unilaterally for absolutely nothing. That's dangerous and foolish.

I am not opposed to examining our testing program in light of recent and possible future strategic arms reductions. The strategic environment has and continues to change in a positive way and, therefore, it may make sense to similarly look into modifying our testing programs and reexamining our testing needs.

Mr. FAZIO. Mr. Chairman, I rise in support of the Aspin en bloc amendment.

Mr. Chairman, this en bloc amendment contains many important provisions including two amendments which I authored that are designed to improve and expedite environmental restoration activities at bases that are closing pursuant to the Base Closure and Realignment Act of 1988.

The first provision would create an interagency task force to report to Congress on ways to improve coordination and cooperation among relevant agencies with respect to cleanup activities. The task force would also make recommendations on ways to streamline administrative procedures in order to expedite the cleanup of these facilities.

The task force would be headed by the Secretary of Defense and would include representatives from the Environmental Protection Agency, the General Services Administration, the Army Corps of Engineers, the U.S. Attorney General's Office, a State attorney general, a State environmental protection agency, and a national public interest environmental group.

The second provision would establish a model program at two base closure sites to be chosen by the Secretary of Defense. Unlike current practice, the model program calls on the Department of Defense [DOD] to select one contractor to be responsible for all phases of cleanup activities at the site. In addition, the contractor would have to indemnify the Federal Government for all liabilities, claims, penalties, costs, or damages stemming from any breach of contract, or any negligent or willful act or omission in performance of the contract.

The model program is a new and innovative approach to environmental response actions which will eliminate many duplicative actions, streamline cleanup efforts, and establish clear and definite responsibility for the response actions undertaken at the base. The program will provide us with good data and a better understanding of what can be done to expedite environmental restoration at these bases.

With 86 base closures currently underway, and the prospect of even more base closures in the future, we must begin to develop a clear policy on how we are going to deal with environmental cleanup activities. We cannot leave these facilities lying fallow for years before the cleanup and transfer of the property is completed.

Just look at the situation with Hamilton Air Force Base in Novato, CA. This installation closed in the mid-1970's. Yet, more than 15 years later, cleanup has still not been completed, the base has not been sold, and the community has had absolutely no opportunity to develop the base and recover some of the economic losses associated with the base's deactivation. We cannot afford to let the 86 bases currently being closed wind up like Hamilton Air Force Base.

My two amendments compliment provisions relating to funding for cleanup activities that were included in the committee's bill as reported to the House. These provisions, which I also authored, establish a pool of funds dedicated solely for environmental restoration activities at base closure sites. In addition, the Armed Services Committee increased funding for these activities by $19 million over the President's request.

Mr. Chairman, at this time, I must acknowledge the support that Chairman ASPIN and Congresswoman PAT SCHROEDER, who is Chair of the Military Installations Subcommittee, have given to these proposals. They fully recognize the importance of giving base closure cleanup activities priority in the budget process. I commend them for their foresight

and thank them for their outstanding leadership on this important issue.

In conclusion, Mr. Chairman, we owe it to the communities who are depending on converting these 86 bases to civilian applications to ensure that they are given the opportunity to do just that. The base closure cleanup provisions contained in this authorization bill as well as the provisions contained in this amendment are necessary to ensure that the 86 base closures proceed in a timely fashion, that the facilities are cleaned up, and that the affected communities can begin the recovery process as soon as possible.

I urge my colleagues to support the amendment.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the en bloc amendments offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 45, not voting 14, as follows:

[Roll No. 349]

AYES—373

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Bliley
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schumer
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, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NOES—45

Armey
Barton
Bateman
Bentley
Bereuter
Burton
Callahan
Combest
Crane
Dannemeyer
Dickinson
Dornan (CA)
Duncan
Fields
Goss
Grandy
Hancock
Hansen
Hefley
Livingston
Marlenee
McCrery
McEwen
McGrath
Meyers
Nielson
Petri
Ridge
Roberts
Rohrabacher
Roth
Schaefer
Schulze
Sensenbrenner
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stearns
Stump
Sundquist
Vucanovich
Walker
Weber
Whittaker
Young (FL)

NOT VOTING—14

AuCoin
Bilirakis
Boggs
DeLay
Ford (MI)
Leath (TX)
Lehman (CA)
McDade
Michel
Neal (NC)
Paxon
Towns
Unsoeld
Watkins

□ 1110

Mr. NIELSON of Utah changed his vote from "aye" to "no."

Mr. SAXTON changed his vote from "no" to "aye."

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendment en bloc offered by the gentleman from Wisconsin [Mr. ASPIN].

AMENDMENT EN BLOC OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment en bloc.

The text of the amendment en bloc is as follows:

Amendment en bloc offered by Mr. ASPIN: At the end of division A (page 359, after line 2), insert the following new title:

TITLE XIV—BUDGET ADJUSTMENTS

SEC. 1401. APPLICABILITY OF PROVISIONS TO OPERATION DESERT SHIELD.

In view of the information already obtained from Operation Desert Shield, Congress considers that the following program adjustments and authorizations are appropriate.

SEC. 1402. ADDITIONAL AUTHORIZATIONS.

(a) PROCUREMENT.—In addition to amounts otherwise authorized to be appropriated for fiscal year 1991, amounts are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Armed Forces as follows:

(1) For Shipbuilding and Conversion, Navy, $540,000,000, of which—

(A) $250,000,000, shall be available only for the strategic sealift program; and

(B) $290,000,000, shall be available only for the MHC coastal minehunter program.

(2) For Aircraft Procurement, Navy, $10,800,000.

(3) For Other Procurement, Navy, $5,000,000, for communications and electronics.

(4) For Aircraft Procurement, Air Force, $50,200,000, of which $36,000,000, shall be available only for modifications for the C-141 aircraft.

(5) For Other Procurement, Air Force, $27,000,000, to be available only for chemical/biological defense equipment.

(b) R,D,T,&E.—In addition to amounts otherwise authorized to be appropriated for fiscal year 1991, amounts are hereby authorized to be appropriated for fiscal year 1991 for research, development, test, and evaluation for the Armed Forces as follows:

(1) For Research, Development, Test, and Evaluation, Army, $20,000,000, to be available only for chemical/biological defense equipment.

(2) For Research, Development, Test, and Evaluation, Defense Agencies, $20,000,000, to be available only for enhanced testing of developmental material and equipment under desert and hot weather conditions.

(c) OPERATION AND MAINTENANCE, ARMY.—In addition to amounts otherwise authorized to be appropriated for fiscal year 1991, there is hereby authorized to be appropriated for fiscal year 1991 for Operation and Maintenance, Army, the sum of $120,000,000, to be available only for chemical/biological personal defense supplies, equipment, and training.

(d) OFFSETTING ADJUSTMENTS.—(1) The amount provided for the DDG-51 destroyer program in section 102(c) is hereby reduced by $348,000,000 (and the total amount provided in that section for Shipbuilding and Conversion, Navy, is hereby reduced by the same amount).

(2) The amount provided in section 103 for Other Procurement, Air Force, is hereby reduced by $30,000,000.

SEC. 1403. MILITARY PAY AND ALLOWANCES.

(a) IMMINENT DANGER PAY.—The Secretary of Defense shall provide for the payment of imminent danger pay under section 310 of title 37, United States Code, to members of the Armed Forces assigned to duty in the Persian Gulf area in connection with Operation Desert Shield. Such pay shall be paid for periods of duty served from the beginning of Operation Desert Shield.

(b) VARIABLE HOUSING ALLOWANCE.—(1) In the case of Reserve members called or ordered to active duty (other than for training) in connection with Operation Desert Shield, the variable housing allowance under section 403a of title 37, United States Code, shall be paid to such Reserve members without regard to the limitation in subsection (b)(3) of that section.

(2) The limitation in subsection (d) of that section on the total amount of variable housing allowance that may be paid for a fiscal year shall not apply for fiscal year 1991.

(c) SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.—(1) A reserve medical or dental officer described in paragraph (2) shall be eligible for special pay under section 302 or 302b of title 37, United States Code (whichever applies), in the same manner as a regular medical or dental officer, notwithstanding the requirement in those sections that the call or order to active duty be for a period of not less than one year.

(2) A reserve medical or dental officer referred to in paragraph (1) is a reserve officer who—

(A) is an officer of the Medical or Dental Corps of the Army or the Navy or an officer of the Air Force designated as a medical or dental officer; and

(B) is on active duty (other than for training) under a call or order to active duty for a period of less than one year in connection with Operation Desert Shield.

(3) Payment of special pay under section 302 or 302b of title 37, United States Code, pursuant to this subsection may be made on a monthly basis. If the service on active duty of a reserve medical or dental officer referred to in paragraph (1) is terminated before the end of the period for which a payment is made under those sections to the officer, the officer is entitled to special pay under those sections only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(4) While a reserve medical officer referred to in paragraph (1) receives special pay under section 302 of title 37, United States Code, by operation of that paragraph, the officer shall not be entitled to special pay under subsection (h) of that section.

(d) FUNDING.—In addition to amounts otherwise authorized to be appropriated for military personnel for fiscal year 1991, there is hereby authorized to be appropriated for fiscal year 1991 $174,000,000 for military personnel accounts of the Department of Defense. Amounts appropriated pursuant to such authorization shall be available only for—

(1) payments to members of the Armed Forces assigned to duty in the Persian Gulf region in connection with Operation Desert Shield for—

(A) special pay pursuant to section 305 of title 37, United States Code (relating to pay while on duty at specified hazardous locations);

(B) special pay pursuant to section 310 of title 37, United States Code (relating to pay while subject to hostile fire or while in imminent danger); and

(C) family separation allowance pursuant to section 427 of title 37, United States Code; and

(2) payments to Reserve members of the Armed Forces called or ordered to active duty in connection with Operation Desert Shield for—

(A) variable housing allowance pursuant to section 403a of title 37, United States Code; and

(B) special pay to Reserve physicians and dentists pursuant to subsection (c).

SEC. 1404. SENSE OF CONGRESS CONCERNING ACTIVATION OF NATIONAL GUARD COMBAT BRIGADE.

It is the sense of Congress that the President should order to active Federal service at least one Army National Guard combat brigade for deployment in the Persian Gulf region in connection with Operation Desert Shield and that the order of such brigade to active Federal service should be issued under provisions of law that would allow that brigade to remain in such service for the duration of Operation Desert Shield.

SEC. 1405. FUNDING FOR MAILING PRIVILEGES FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION DESERT SHIELD.

In addition to any amounts otherwise authorized to be appropriated to the Department of Defense for fiscal year 1991, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 1991 the sum of $11,000,000, to be available for reimbursement of the Postal Service under section 3401(d) of title 39, United States Code, for free mailing privileges accorded members of the Armed Forces assigned as part of Operation Desert Shield to duty in the Persian Gulf region.

SEC. 1406. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES.

(a) INCREASED FLEXIBILITY FOR OPERATION DESERT SHIELD.—The small purchase procurement threshold in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of Operation Desert Shield or any other operation to deal with the threat caused by the invasion of Kuwait by Iraq shall be $100,000 (rather than the amount specified in section 2304(g)(2) of title 10, United States Code).

(b) SMALL PURCHASE PROCUREMENT THRESHOLD DEFINED.—For purposes of this section, the term "small purchase procurement threshold" means the maximum amount of a purchase or contract for which the special simplified procurement procedures established pursuant to section 2304(g)(1) of title 10, United States Code, may be used.

SEC. 1407. ACCOUNTING FOR COSTS OF OPERATION DESERT SHIELD.

The Secretary of Defense shall maintain separate financial and cost records for Operation Desert Shield. Those records shall include records showing the amount and use of any contributions made by other nations.

SEC. 1408. USE OF FUNDS RECEIVED FOR OPERATION DESERT SHIELD.

Notwithstanding section 4 of the Act entitled "An Act to authorize the acceptance of conditional gifts to further the defense effort", approved July 27, 1954 (50 U.S.C. 1154), or any other provision of law, funds received by the United States to assist in defraying the cost to the United States of Operation Desert Shield may not be obligated or expended except as specifically authorized by law after the date of the enactment of this Act in a law other than an appropriations Act (or a joint resolution making continuing appropriations).

SEC. 1409. REPORT ON PREPOSITIONING LOCATIONS OF FAST SEALIFT SHIPS.

(a) STUDY.—The Secretary of Defense shall examine the present criteria used for choosing the locations for the prepositioning of fast sealift ships and shall consider making the decision for such location based upon the most likely port of embarkation of such ships for use in a deployment. In addition, the Secretary shall examine the feasibility of expanding the use of prepositioned stocks, including stocks prepositioned aboard ships, for future contingencies.

(b) REPORT.—The Secretary shall submit to the congressional defense committees a report on the matters examined pursuant to subsection (a). The report shall be submitted in conjunction with the submission of the budget justification materials of the Department of Defense in support of the President's budget for fiscal year 1992.

At the end of title II (page 47, after line 25), insert the following new section:

SEC. 244. COMPETITION IN CONTRACTING FOR COMPUTERS AND SOFTWARE.

(a) CONGRESSIONAL CONCERNS REGARDING DEFENSE COMPUTER PROCUREMENT.—The Congress notes the concern regarding the manner in which solicitations are performed for computer procurement for components of the Department of Defense.

(b) GAO REVIEW.—The Comptroller General of the United States shall conduct a review of a selected number of planned and recently completed computer procurements for components of the Department of Defense to determine if those solicitations provide any barriers to full and open competition for United States computer suppliers. The procurements reviewed shall include the Air Force procurement for Tactical Air Force Workstations under solicitation F19630-90-R-0014 and the Army procurement for Light Weight Computer Unit under solicitation DAAB07-90-R-L100.

(c) MATTERS TO BE INCLUDED IN REVIEW.—The review shall determine in the case of each solicitation reviewed—

(1) whether unnecessary or non-germane specifications, evaluation factors, unwarranted performance requirements, packaging requirements, or other limiting bias factors are present;

(2) whether the solicitation contains restrictive requirements in excess of minimum Government needs;

(3) whether Government developed applications software is favored over commercial

"off the shelf" software solutions and the sufficiency of the rationale to support Government development;

(4) the need for components of the Department of Defense to agree upon a standard prescribed architecture and operating system; and

(5) the cost effectiveness of computer procurements based on the realism of specifications as compared to intended use.

Statements regarding the degree of assessment supporting the specification development and rigidity as they limit or tend to limit offerers or contract awards are to be included.

(d) REPORT TO CONGRESS.—The Comptroller General shall complete the study and submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than three months after the date of the enactment of this Act.

(e) SUSPENSION OF CERTAIN COMPUTER PROCUREMENT ACTIONS PENDING REPORT.—Until the end of the 15-day period beginning on the date on which the report under subsection (d) is submitted—

(1) no further action may be taken with respect to awarding a contract under the two solicitations specified in subsection (b); and

(2) all submissions and receipt of vendor proposals for computer contracts with a component of the Department of Defense shall be suspended.

(f) WAIVER OF SUSPENSION.—The Secretary of Defense may waive the provisions of subsection (e) in the case of any procurement action that the Secretary considers to be mission critical.

At the end of part F of title III (page 89, after line 2), insert the following new section:

SEC. 365. PROVISION OF EMERGENCY MEDICAL SERVICES TO CIVILIAN SECTOR.

(a) IN GENERAL.—In a case in which an emergency medical unit of the Armed Forces described in subsection (c) is deployed for reasons of military necessity, the Secretary of the military department concerned shall ensure that any emergency medical units remaining at the installation or facility following the deployment retain sufficient capability to perform auxiliary medical emergency assistance for local civilian communities in the same manner as was performed by the unit deployed or, in the event that the emergency medical units remaining are nonexistent or are incapable of performing auxiliary medical emergency assistance for local civilian communities, the Secretary concerned shall make every reasonable effort to replace the service concurrent in time with the loss of the unit deployed and may use the reserves for those purposes.

(b) CONDITIONS.—Emergency medical assistance for local civilian communities may be provided by military personnel following a deployment only if (1) sufficient capability otherwise exists in units of the Armed Forces in that locality following the deployment, and (2) such assistance has historically been provided by units of the Armed Forces before the deployment.

(c) COVERED EMERGENCY MEDICAL UNITS.—An emergency medical unit of the Armed Forces referred to in subsection (a) is such a unit that (1) is stationed at a military installation or facility in the United States in a remote or isolated area where an adequate emergency aeromedical evacuation capability does not exist in the adjacent civilian sector, and (2) has historically performed emergency medical assistance for local civilian communities.

(d) WAIVER AUTHORITY.—The Secretary concerned may waive the provisions of subsection (a) in any case if the Secretary determines that the waiver is necessary for reasons of national security.

At the end of part B of title XIII (page 330, after line 2), insert the following new section:

SEC. 1326. NAMING OF GUIDED MISSILE DESTROYER THE U.S.S. SAMUEL S. STRATTON.

(a) FINDINGS.—The Congress finds that—

(1) the late Honorable Samuel S. Stratton served the people of the United States and the 23d District of New York as a Member of the House of Representatives for 30 consecutive years with loyalty, dedication, and warm personal friendship until his retirement at the conclusion of the 100th Congress;

(2) Samuel S. Stratton served as a member of the Committee on Armed Services of the House of Representatives for 30 years and did so with total dedication to the goal of maintaining a strong national defense;

(3) as a member of the Committee on Armed Services, Samuel S. Stratton served as chairman of 3 permanent subcommittees (the Military Personnel and Compensation Subcommittee, the Investigations Subcommittee, and the Procurement and Military Nuclear Systems Subcommittee) and as chairman of no fewer than 5 special subcommittees and panels having a major effect on every aspect of our country's defense establishment;

(4) Samuel S. Stratton played a major legislative and intellectual role in such diverse areas as strengthening the NATO alliance, modernization of Guard and Reserve forces, pursuit of verifiable arms control agreements, protection of the defense industrial base, development of missile and aviation programs, and improvement in the military medical care and military justice systems;

(5) through his singular and distinctive efforts, Samuel S. Stratton was successful in seeing enacted into law the requirement that women be admitted to the Nation's service academies; and

(6) Samuel S. Stratton's service to the Nation (including his wartime and reserve service as a naval officer and service as a Member of Congress) left an indelible mark on the history of the Nation and his unswerving goal of maintenance of a strong national defense knows no peer.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of Congress that the Secretary of the Navy should name the next guided missile destroyer (DDG-51) to be named after enactment of this Act the U.S.S. Samuel S. Stratton.

Page 20, line 2, strike out "$255,000,000" and insert in lieu thereof "$250,500,000".

Page 22, strike out lines 18 through 20 and insert in lieu thereof the following:

From funds appropriated for fiscal year 1991 pursuant to this Act, not more than $600,000,000 may be obligated for the D-5 missile program until each of the following has occurred:

Page 31, line 12, strike out "$12,813,082,000" and insert in lieu thereof "$12,940,082,000".

Page 31, line 13, strike out "$8,263,135,000" and insert in lieu thereof "$8,277,335,000".

Page 31, line 15, strike out "$216,100,000" and insert in lieu thereof "$289,100,000".

Page 31, line 18, strike out "$90,800,000" and insert in lieu thereof "$17,000,000".

Page 415, line 11, strike out "Subject to" and insert in lieu thereof "(1) Subject to paragraph (2) and".

Page 415, after line 16, insert the following:

(2) The Secertary may not make the conveyance authorized by paragraph (1) before December 1, 1990, unless the City of Columbus, Georgia, the Secretary, the Mead Corporation, and Chattahoochee County, Georgia, agree to the conveyance before such date.

Page 442, line 21, strike out "$931,564,000" and insert in lieu thereof "$944,564,000".

Page 442, line 22, strike out "$442,268,000" and insert in lieu thereof "$429,268,000".

Page 454, line 12, strike out "Project 88-D-159" and insert in lieu thereof "Project 87-D-159".

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

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

Mr. Chairman, the amendment that I am offering here is a budget adjustment amendment. In the light of having some money freed up through previous amendments and previous actions by the Secretary of Defense, this amendment proposes to spend that money in ways that are related to the Desert Shield operation.

Mr. Chairman, the amount that we are dealing with here in this amendment is just under a billion dollars. Let me describe where it comes from. Yesterday the House passed the Bennett amendment, which cut SDI funding from $2.9 billion to $2.3 billion, thereby making available $600 million.

A second source of funding here is the Secretary of Defense's recent recommendation that we fund only four instead of five DDG-51 destroyers, thereby freeing up $348 million. So the total is $948 million.

This amendment proposes to spend that amount essentially in a couple of major categories. One category, probably the more important category but the less expensive category, is to correct pay inequities. We have discovered that the soldiers, the men and women in the Armed Forces now serving in the Persian Gulf, due to the ways the pays have been allocated and the way the law is written, face this situation: There are certain pay inequities. Some people are out of pocket because they lose some benefits when they leave home, and they do not get enough benefits added to their employment. The first thing this amendment does is to correct those inequities. I think the gentlewoman from Maryland [Mrs. BYRON] will be talking about that here in just a moment.

The second thing we spend the money on is some military programs. We do not yet know the full lessons learned from the Desert Shield deployment. There clearly will be some postmortems. The Committee on Armed Services in particular will be involved in postmortems on the Desert Shield deployment.

What are the lessons learned? What have we learned about this deployment, about what kind of equipment we are short of or what kind of equipment we need to have more of? We do not fully know the lessons, but we know there are some lessons to be learned.

We know, for example, that lift is very, very important. We know, for example, that sealift is very important. We know, for example, that chemical decontamination units are very, very important.

So the second thing this amendment does is to add money for some programs that we have discovered through the Desert Shield experience we really need to have. So we will have some more money to spend on these.

This also has some legislative provisions, and I think some of them will be important. The gentleman from New York [Mr. McNULTY] will be mentioning one.

We will include in this some language to the effect that it is the sense of the Congress that the Pentagon call up combat reserve brigades. They are calling up reserve units but not combat units. The gentleman from Mississippi [Mr. MONTGOMERY] is very interested in that issue, and he will say a word about it here.

There is one other issue we are covering in this amendment that is very, very important. Speculation has been raised partly because of a proposal that the Pentagon has sent over as part of its supplemental appropriation package, and this is speculation in the press as to how we in Congress are going to handle the money that comes to the United States Government from countries that are donating funds to help pay for Desert Shield. This is an unprecedented thing that is occurring here, people giving the United States money to help pay for a military operation.

There is a possibility that gifts will be handled in such a way that Congress does not get a chance to authorize the money. In fact, it is the Pentagon's proposal that gifts be accepted by the Pentagon under a 1954 act which allows the Pentagon then to spend it on anything they so desire, consistent with the wishes of the donor. That 1954 act was made on the presumption that some patriotic citizens might give some money to the Pentagon to help on defense matters.

But we are anticipating billions of dollars from the Saudi Arabian Government and billions of dollars from the Kuwaiti Government in exile.

There is another thing that this amendment does. This amendment that we have before us here would mandate that all money collected as a part of Desert Shield be authorized.

Mr. Chairman, basically that is the outline of the amendment. A lot of people had a hand in drafting this amendment. A lot of people put in a lot of time on this. Some people traveled to Saudi Arabia to learn some of the things that are important in this amendment. I would like to compliment all my colleagues for assisting in the drafting of this amendment.

Mr. Chairman, I rise to speak on behalf of my defense budget amendment. This amendment was undertaken in wake of Operation Desert Shield and is designed to provide an appropriate support package for military personnel deployed for that operation and to revise slightly the authorization of appropriations for the Department of Defense for the next fiscal year based on information gleaned from Operation Desert Shield. Before discussing the text of the amendment Mr. Chairman, there are some technical corrections to the report of the Committee on Armed Services to accompany H.R. 4739.

This amendment is consistent with the committee reported bill. It represents a $1 billion Desert Shield package that supports personnel pay and allowances, chemical and biological warfare defense, and enhanced strategic air and sealift. The amendment would also clarify emergency contracting authority and would establish cost and burdensharing reporting requirements for the Department of Defense. In addition, DOD would be required to study the greater use of prepositioned stocks aboard sealift ships. This part of the bill would be financed by a reduction in the DDG-51 destroyer program and the SDI program.

CORRECTING PAY INEQUITIES

Let me explain the amendment in a little more detail. The amendment would provide three important personnel benefits. First, it would authorize funding for the direct payment of "imminent danger pay." Each soldier, sailor, or airman deployed to the Persian Gulf would receive $110 per month as long as he or she remains deployed in that region. In addition, the amendment would ensure full funding of the family separation allowance for military members who have left their families behind for this operation. The amendment would also authorize the payment of special pay for serving in a hazardous location.

With respect to reserve forces deployed for Desert Shield, the amendment would provide a housing allowance and special pay for reserve physicians who are activated for the operation. In total, full funding for the active and reserve compensation package requires an authorization of an additional $185 million for the military personnel account. Finally, this part of the amendment would provide funding for free mail privileges for those assigned in the Persian Gulf for fiscal year 1991.

IMPROVED CHEMICAL DEFENSE AND LIFT PROGRAMS

It is also apparent that chemical and biological defense equipment will be critically important if U.S. forces engage in combat operations against Iraq. The amendment would authorize a total of $187 million for various programs related to the testing and acquisition of this equipment.

Another major component of the amendment focuses on strategic mobility. Desert Shield has taught us that strategic sealift ships are vital to the timely transportation of equipment and cargo in support of deployed military forces. Historically, this mission has been supported by the merchant marine, but the continuing decline of the American flag fleet leaves insufficient ships available for military requirements. This amendment would authorize $250 million toward the purchase of three strategic sealift ships.

Operation Desert Shield has also demonstrated the need for improved airlift capability. My amendment proposes a $36 million add for modifications to the existing C-141 fleet. In addition, $290 million would be authorized to bolster our minehunting capabilities.

To offset the cost of these benefits, the amendment would reduce funding for the DDG-51 destroyer by $348 million and SDI by $600 million. The decision to cut funds from the DDG-51 is based on the results of Secretary Cheney's major ship review, and the reduction from SDI is consistent with action already taken by the House.

LEGISLATIVE PROVISIONS

The amendment also contains legislative provisions. First, the amendment would permit DOD to use simplified small purchase procedures when procuring supplies and services in the Middle East for use in Desert Shield, if the contract is for less than $100,000. Second, the amendment would require the Secretary of Defense to maintain financial and cost records for Operation Desert Shield, including records of amounts contributed by other nations and the use to which those monies are put. This section woulds further require the Secretary of Defense to study the feasibility of expanding the use of prepositioned stocks aboard fast sealift ships.The question of malpositioned ships and the need to berth sealift ships at their likely ports of embarkation would also be studied.

CONGRESSIONAL AUTHORIZATION FOR OTHER SUPPORT FOR DESERT SHIELD

A second major part of the amendment deals with the question of what becomes of money that is contributed to support Operation Desert Shield the amendment would establish an authorization requirement before funds received from other nations in support of Desert Shield are used by the Department of Defense. In other words, before money contributed from any source could be spent for Desert Shield, Congress would have to authorize how that money would be spent. This provision recognizes that the Committee on Armed Services and the Congress have a special interest in ensuring that the administration makes a complete disclosure of the costs of the on-going crisis in the Middle East, including who is paying for what.

We have a responsibility to the American people to oversee the administration's use of such funds that are contributed in support of our defense policy toward Iraq. Current law allows the administration to spend monetary

gifts for defense purposes without proper congressional oversight, and this provision merely remedies that situation.

TECHNICAL CORRECTIONS

The third part of this amendment is just a compilation of technical corrections to the committee reported bill.

IN HONOR OF SAM STRATTON

A final point I want to make concerns our late colleague, the Honorable Sam Stratton, of New York. In recognition of his outstanding contribution to this country over the course of his 30-year congressional career, my amendment expresses the sense of Congress that the Secretary of the Navy should name the next guided missile destroyer [DDG-51] the U.S.S. *Samuel S. Stratton.*

SUMMARY

Mr. Chairman, this amendment is a necessary adjunct to the bill as passed by the Armed Services Committee. It is consistent with the philosophy of the bill in the sense that it recognizes the importance of treating our military members well so that they know that the American people support their actions in supporting our policies in distant and dangerous regions of the globe, and in the sense that it looks ahead, recognizing that in the future our forces will need to be more mobile and rapidly deployable than they are today. This amendment responds to the lessons we are learning from Desert Shield, and I would urge my colleagues to support its passage.

CORRECTIONS TO THE COMMITTEE REPORT ON H.R. 4739 DOD AUTHORIZATION BILL FOR FISCAL YEAR 1991 (REPORT NO. 101-665)

(1) Substitute the attached tables for the tables on pages 126, 149, 162, 165, 177, and 179.

(2) On page 182 of the report under the heading "Long Range Conventional Stand-off Weapon"—"reduction of authorization by $36 million," should read "reduction of authorization to $36 million."

(3) On page 189 of the report under Section 231-ICBM Modernization Programs—"authorization of $610,208,000 million" should read "$610,208,000."

(4) On page 340, under "Division B, Military Construction Authorizations, the number "$8,473,167,000" should read "$8,488,167,000".

(5) On pages 341, 350, and 351 the label "Subcommittee Recommendation" should read "Committee Recommendation."

(6) On page 364 under "overseas construction projects requested by the Navy", the final column of the table should read "Committee Recommendation".

(7) On page 366 under overseas projects requested by the Air Force, the final column should read "Committee Recommendation".

DEPARTMENT OF DEFENSE FY 1991 RDT&E PROGRAM

[In thousands of dollars]

Program title	Fiscal years— 1990 amount	1991 authorization request	Change from request	Committee recommendation
Summary of appropriation:				
Department of Army RDT&E	5,418,729	6,025,900	(370,073)	5,655,827
Department of Navy RDT&E	9,465,840	9,017,127	342,850	9,359,977
Department of Air Force RDT&E	13,496,884	13,276,300	(336,218)	12,940,082
Defense Agencies RDT&E	8,153,493	9,249,300	(1,278,065)	7,971,235
Director of Test & Evaluation Defense	178,221	348,100	(59,000)	289,100
Director of Operational Test and Evaluation	12,725	90,800	(73,000)	17,000
Milestone authorization enacted		85,273	(85,273)	0
Total RDT&E	36,725,892	38,092,800	(1,859,579)	36,233,221
Research development and evaluation Navy:				
In-house independent laboratory research	24,346	26,801	0	26,801
Defense research sciences	342,584	374,357	0	374,357
Anti-air warfare/anti-surface warfare	61,751	63,105	0	63,105
Surface ship technology	13,753	15,982	10,000	25,982
Aircraft technology	21,282	24,403	0	24,403
Marine Corps landing force technology	16,373	18,132	0	18,132
Command, control, and communication	15,508	18,393	0	18,393
Mission support technogy	31,702	34,493	0	34,493
Materials			5,000	5,000
Systems support technology	62,843	69,152	0	69,152
EW technology	0	12,872	0	12,872
ASW technology	129,332	114,677	15,000	129,677
Tachical oceanography technology			5,000	5,000
Mine and special warfare technology	15,921	17,926	8,000	25,926
Submarine technology	15,025	16,701	5,000	21,701
Nuclear propulsion	14,036	14,575	0	14,575
Ocean and atmospheric support technology	29,449	32,099	0	32,099
Independent exploratory development	12,000	13,825	0	13,825
Total, technology base	804,906	867,493	48,000	915,493
Aircraft propulsion	7,162	10,134	0	10,134
Advanced aircraft subsystems	5,744	5,966	0	5,966
EW technology	12,486	0	0	0
Electromagnetic radiation source EL	973	5,734	0	5,734
Ship propulsion system	0	0	0	0
Electric drive	31,204	43,799	0	43,799
Unmanned undersea vehicle technology			0	
Marine Corps advanced technology DE	0	15,254	0	15,254
Human Factors engineering	2,472	2,883	0	2,883
Medical development	17,066	16,966	2,000	18,966
Manpower and personnel systems	3,029	3,200	0	3,200
Generic logistics R&D technology DE	17,201	14,040	0	14,040
Education and Training	5,222	5,983	0	5,983
Marine Corps advanced manpower/training	3,969	3,110	0	3,110
Simulation and training devices	973	5,042	0	5,042
Navy logistic productivity	0	0	0	0
Advanced anti-submarine warfare technology	37,276	16,351	10,000	26,351
Advanced technology transition	67,550	51,143	0	51,143
Advanced special operations research	1,557	0	0	0
Total, advanced technology development	213,884	199,605	12,000	211,605
Tactical space operations	3,742	3,591	0	3,591
SSBN survivability	11,598	15,649	0	15,649
WWMCCS architecture support	6,881	0	0	0
Satellite laser communications	0	0	0	0
Trident II	213,937	21,152	70,670	91,822
Research development test and evaluation—Air Force:				
In-house laboratory independent research	7,450	8,318	0	8,318
Defense research sciences	182,714	193,158	10,300	203,458
Geophysics	36,868	36,457	0	36,457
Materials	57,689	60,847	5,000	65,847
Aerospace flight dynamics	65,911	67,378	0	67,378
Human systems technology	48,928	51,142	5,000	56,142
Aerospace propulsion	66,128	62,583	3,000	65,583
Aerospace avionics	64,428	68,614	0	68,614
Personnel, training and simulation	28,154	30,488	5,000	35,488
Civil engineering and environmental	5,860	5,615	5,000	10,615
Rocket propulsion	36,590	37,873	0	37,873
Advanced weapons	31,637	36,193	0	36,193
Conventional munitions	43,043	43,512	0	43,512
Command control and communications	80,496	79,409	0	79,409
Total technology base	755,356	781,587	33,300	814,887
Logistics systems technology	9,114	11,758	0	11,758
INEWS/ICNIA	36,364	29,572	0	29,572
Advanced materials for weapon systems	8,639	15,042	0	15,042
Aerospace propulsion subsystems integrations	20,527	28,404	0	28,404
Advanced avionics for aerospace vehicles	24,431	32,308	0	32,308
Aerospace vehicle technology	18,149	21,338	0	21,338
Aerospace structures	17,143	19,135	0	19,135
Aerospace propulsion and power technology	31,778	40,154	0	40,154
Personnel, training and simulation	7,420	8,198	0	8,198
Crew systems and personnel protection	19,530	18,319	0	18,319

Advanced fighter technology integration	21,585	23,803	0	23,803
Lincoln Laboratory	23,073	27,609	0	27,609
Advanced avionics integration	13,963	15,079	0	15,079
National aerospace plane technology	192,483	158,000	0	158,000
EW technology	32,200	36,939	0	36,939
Space and missile rocket propulsion	10,988	12,568	0	12,568
Armament technology integration	1,937	1,219	0	1,219
Advanced spacecraft technology	16,676	13,023	0	13,023
Space systems environmental interaction	3,840	4,252	0	4,252
Very high speed integrated circuits	0	0	0	0
Conventional weapons	24,188	29,497	0	29,497
Advanced weapons technology	66,105	55,904	0	55,904
Weather systems, advanced development	5,494	5,622	0	5,622
Civil and environmental engineering	7,668	10,170	0	10,170
C-31 subsystem integration	7,465	9,446	0	9,446
Advanced computer technology	7,607	9,073	0	9,073
Training systems technology	0	0	0	0
C-3 advanced development	8,527	9,628	0	9,628
Advanced special operations research	2,285	0	0	0
Total, advanced technology base	639,179	646,060	0	646,060
Constant help			0	0
F-117A squadrons			0	0
Tactical AGM missiles	2,485	509	0	509
Advanced medium range air-to-air missiles	14,929	25,516	0	25,516
F-111 self protection systems	4,560	0	0	0
Seek clock			(−5,000)	0
TR-1 squadron	110,710	54,764	(53,201)	1,563
Follow-on tactical reconnaissance systems	64,850	47,248	0	47,248
AF tencap	335	346	0	346
Tacit rainbow	20,997	9,759	27,000	36,759
Overseas air weapon control system	1,387	2,311	0	2,311
Tactical air control systems	17,212	17,075	0	17,075
Airborne warning and control systems	114,900	133,810	0	133,810
Advanced communications systems	11,228	6,385	0	6,385
Copper coast			0	0
Tactical air intelligence system AC	462	484	0	484
Tactical improvement program			0	0
Tactical reconnaissance imagery and advanced systems improvements	0	0	0	0
Seek Spinner	0	0	0	0
Seek Eagle	16,497	14,549	0	14,549
Omega			(147,900)	0
Mission planning systems	2,485	18,146	0	18,146
Joint tactical communications program	3,514	4,833	0	4,833
Electronic combat support	2,490	2,770	0	2,770
Have flag			0	0
Satellite communications terminals	5,915	6,071	0	6,071
National Airspace System [NAS] plan	0	35,000	0	35,000
Centennial			0	0
Constant source	0	6,714	0	6,714
Electronic combat intelligence support	1,744	1,841	0	1,841
Senior citizen			0	0
MAC command and control system	10,919	11,626	0	11,626
A-7 squadrons [ANG]	19,945	0	0	0
Force enhancements—active	38,443	0	0	0
AIM-9 improvements			0	
C-130J			10,000	10,000
Classified programs	615,362	750,901	137,900	888,801
Total, tactical programs	3,884,590	3,777,193	(327,489)	3,449,704
Intelligence production activities			0	0
Foreign technology division			(−775)	0
Infrared/electro-optical/dir. energy			0	0
Missile and space technical collect			(−12,136)	0
Senior year operations			(−1,563)	0
Forest gren			(−9,527)	0
Nudet detection system			0	0
Defense satellite communications system	25,105	16,484	0	16,484
Long-haul communications [DCS]	3,215	3,570	0	3,570
Force enhancements—active	11,093	0	0	0
Advanced special operations research	0	24,784	0	24,784
Advanced special operations research	9,104	0	0	0
Total, advanced technology development	4,490,572	5,250,856	(1,380,000)	3,870,856
Verification technology demonstration	19,000	76,000	0	76,000
Island Sun support	0	84,624	0	84,624
Island Sun	57,995	0	0	0
Air defense initiative	149,909	246,920	(50,000)	196,920
National military command system—WI	12,885	12,088	0	12,088
WWMCCS systems engineer	16,674	16,952	0	16,952
Minimum essential emergency communication	7,990	8,240	0	8,240
WWMCCS ADP modernization	47,474	55,115	0	55,115
Total, strategic programs	311,927	499,939	(50,000)	449,949
Physical security equipment	32,782	34,022	0	34,022
Joint robotics program	21,586	22,000	0	22,000
Classified program—C-31	36,116	0	0	0
Nonacoustic ASW	29,982	0	0	0
Joint standoff weapons program	18,825	55,448	(20,000)	35,448
Joint tactical information distribution	70,657	66,232	0	66,232
Cinc C-2 initiatives	1,913	1,974	0	1,974
C-3 interoperability (joint tactical)	54,297	46,682	0	46,682
Management headquarters (joint tactical)	6,459	6,589	0	6,589
Joint remotely piloted vehicles pro	82,254	82,099	51,000	133,099
Logistics/weight reduction study			0	
General support for SO/LIC			0	
Technical support working group			0	
Force enhancements—active	0	182,368	(10,000)	172,368
Total, tactical programs	354,871	497,414	21,000	518,414
Mapping, charting, geodesy investigation	0	0	0	0
Mapping, charting, and geodesy engineer	0	0	0	0
Cryptologic activities			(−102,700)	0
General defense intelligence programs			(−14,557)	0
Long-haul communications [DCS]	20,768	20,516	0	20,516
Support of the national communication	3,763	3,426	0	3,426
Communications security [Comsec]			0	0
DMA mapping, charting, and geodesy	260,962	224,725	0	224,725
Airborne reconnaissance support program	87,000	179,900	(50,500)	129,400
Defense reconnaissance support activities	4,524	7,375	0	7,375
Defense reconnaissance support activities			0	0
Defense reconnaissance support activities	36,247	45,821	(15,000)	30,821
Computer security			0	0
Intelligence planning and review activities			(−9,100)	0
Tactical cryptologic activities			(−14,500)	0
Total, classified programs	1,281,039	1,241,499	(140,865)	1,100,634
Director of test and evaluation defense:				
Test instrumentation development	81,930	185,899	(59,000)	126,899
Space system test capabilities	0	0	0	0
Foreign weapons evaluation	0	0	0	0
Foreign comparative testing	27,295	42,591	0	42,591
Live fire testing	10,710	0	17,974	17,974
Joint technical coordinating group	7,778	0	0	0
Development test and evaluation	50,508	119,610	(17,974)	101,636
Total, defensewide mission support	178,221	348,100	(59,000)	289,100
Total, director of test and evaluation defense	178,221	348,100	(59,000)	289,100
Director of operational test and evaluation:				
OT&E capability improvement	0	73,800	(73,800)	0
Operational test and evaluation	12,725	17,000	0	17,000

Total, defensewide mission support	12,725	90,800	(73,800)	17,000
Total, director of test and evaluation defense	12,725	90,800	(73,800)	17,000

Mr. Chairman, I yield to the gentleman from New York [Mr. McNULTY] to explain the provision of the amendment to which I have just referred.

Mr. McNULTY. Mr. Chairman, I thank the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], for yielding to me to offer this proposal to name a future DDG class Navy destroyer after my predecessor, Samuel S. Stratton, who was laid to rest yesterday in Arlington National Cemetery with full military honors.

Sam served the people of New York in Congress and as a member of the Committee on Armed Services of the House for 30 years. His passing is a loss not only to his wife Joan, his children, and his grandchildren, as well as his many, many friends, but also the Congress and to the entire Nation.

I find it fitting that we would seek to name a ship from the next generation of destroyers after Sam. Sam was a Navy man, and he earnestly believed that our freedom was won and will only be preserved by a strong national defense.

The future destroyer U.S.S. *Samuel S. Stratton* may one day be called to go forth in defense of our liberty and our way of life, for throughout our history we have been and will continue to be a maritime Nation. While we certainly welcome many of the changes that have led us to reorder some aspects of our national defense, our responsibilities abroad have not diminished.

Sam's vigilance guided our Nation when he was with us, and I for one find it comforting to know that he will always be remembered by virtue of this action.

Mr. Chairman, I would like to thank the committee chairman, the gentleman from Wisconsin [Mr. ASPIN], the members of the committee, and all of my colleagues for their support for this truly fitting, living memorial to a great American and a great patriot, Sam Stratton.

Mr. ASPIN. Mr. Chairman, I thank the gentleman from New York [Mr. McNULTY] for his comments, and I would say to the Members and to the gentleman from New York that it is a great pleasure for us to include the McNulty amendment naming this ship in honor of Sam Stratton.

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

Mr. ASPIN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I just wish to make inquiry of the gentleman and to counternance him on this amendment in particular, especially on the amendment that corrects the pay inequities.

□ 1120

No. 1, we have seen the reservists used to some extent properly, although I think that they have not been used as the total force concept has been planned, but there are a good number of reservists. We see here in the amendment that it is designed to compensate the reservists called to active duty with the same benefits that their active duty counterparts receive. I think it is also very important, because we have had some complaints from those who are on active duty and being sent over to the Persian Gulf area that they would be receiving less money.

Mr. Chairman, what the gentleman from Wisconsin [Mr. ASPIN] does in three areas—endangered pay, family separation allowance, and the hazardous location pay—is to correct the loss of compensation and I think this is so terribly important. I know the men and women who are in the Persian Gulf on the sands of Saudi Arabia will appreciate this, and I compliment the gentleman from Wisconsin [Mr. ASPIN] for this.

Mr. ASPIN. Mr. Chairman, I thank the gentleman from Missouri for his kind comments.

Let me call on the gentlewoman from Maryland [Mrs. BYRON], to whom those comments ought to have been directed. The gentlewoman has been the real author of this part of the amendment, the chairwoman of the Subcommittee on Military Personnel and Compensation, the gentlewoman from Maryland [Mrs. BYRON].

Mr. Chairman, at this time I yield 4 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in support of the Aspin budget amendment. The amendment addresses the specific concerns raised by servicemen and women serving in the Persian Gulf region. On the leadership trip over Labor Day weekend, we had an opportunity to talk with a number of soldiers, sailors, airmen, and marines deployed throughout the region. I can report that morale is extraordinarily high despite the very real hardships that many of our young people are enduring. We did find some people-related problems, however, such as difficulty in sending and receiving mail and problems related to pay. Both of these are addressed in the Aspin amendment.

On the question of pay, the issue relates to basic allowance for subsistence, or BAS. Enlisted personnel not receiving Government-provided meals are entitled to basic allowance for subsistence of $177.30 per month to pay for the cost of those meals. Since deployed personnel are serving under field conditions, all meals are provided by the military; enlisted personnel, therefore, forfeit their basic allowance for subsistence.

For many young families, however, BAS is an important element of monthly income. Navy families generally understand the way the subsistence allowance works because of the frequency of deployments where sailors eat aboard ship. The loss of BAQ because the service member is now eating in a Government mess has come as a surprise to many Army and Air Force personnel, however.

That loss is partially offset by several additional allowances paid to deployed personnel. First, service members with dependents are entitled to family separation allowance of $60 per month. Second, enlisted personnel assigned to austere overseas duty are eligible to receive certain places special pay of $8 to $22.50 per month.

The missing piece of the pay puzzle is imminent danger pay of $110 per month. I want to make clear to my colleagues that I do not advocate the payment of imminent danger pay simply to fix a pay problem. In my view, imminent danger pay for the young men and women serving in the Persian Gulf region is justified on its own merits.

Imminent danger pay is currently authorized for U.S. military personnel in the Philippines, Bolivia, Peru, and Greece, to name a few locations. There is no question that our troops in Saudi Arabia—gas masks in hand—are similarly in imminent danger. Unfortunately, the Secretary of Defense is often reluctant to approve payment of imminent danger pay for political reasons.

In fact, we faced this same situation just a few years ago with the Kuwaiti tanker reflagging. It took a hearing by my subcommittee and the Secretary of Defense in my office and the threat of legislative action before the Secretary reconsidered the extent of the danger to our personnel there and approved payment of danger pay.

Conditions in the gulf region today are clearly as dangerous as they were in the reflagging deployment. I wrote to Secretary Cheney more than a week ago urging him to authorize imminent danger pay. I would prefer to see the Secretary act on his own, but since he hasn't I believe that action by the Congress, as included in this amendment, is appropriate.

Hopefully when the Chairman of the Joint Chiefs, Colin Powell, returned, he would remedy this.

Several pay problems affecting reservists have also come to our attention. There are two elements of compensation for which recently activated reservists are ineligible unless they are under an extended call to active duty:

variable housing allowance and physician and dental officer special pays. The disparity in payment of these allowances is a source of dissatisfaction to recalled reservists who often work side-by-side with active duty personnel, who are authorized to receive these benefits.

The Aspin budget amendment provides the necessary fix for all of these problems:

First, by directing the Secretary of Defense to pay imminent danger pay to service members assigned to the Persian Gulf area in connection with Operation Desert Shield, retroactive to the beginning of the deployment;

Second, by authorizing the payment of variable housing allowance and physician/dental officer special pays for reservists called to active duty in connection with Operation Desert Shield; and

Third, by ensuring full funding of the added costs of imminent danger pay and the two Reserve compensation initiatives by authorizing an additional $174 million for the military personnel account.

On the trip to the Persian Gulf, the other problem we heard—over and over again—was the difficulty in receiving and sending mail. I want to congratulate my colleagues for passing legislation on Monday to provide free mail service. Believe me, that action will provide a substantial shot in the arm to our service personnel in Saudi Arabia. The Aspin budget amendment completes the circle by authorizing the additional funding necessary to pay the cost of that free mail service.

Taking care of people must be our first priority. Chairman ASPIN and I outlined our findings from the Persian Gulf trip in a recent "Dear Colleague" letter to all House Members. This amendment provides the follow-through on that letter, and I urge my colleagues' favorable consideration.

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

Mr. Chairman, in looking over the proposed amendment offered by the gentleman from Wisconsin [Mr. ASPIN], on a scale of 1 to 10, with 10 being the best, I think I would give this about a 6 in my book.

Its principal asset is that it is directed at some shortcomings identified during our deployment to the Persian Gulf. The amendment helps with fast sealift and airlift, and improves our mine hunting capability.

Mr. Chairman, I accompanied the gentleman from Wisconsin [Mr. ASPIN] to Saudi Arabia just 2 weeks ago, as did the gentlewoman from Maryland [Mrs. BYRON], and we were concerned that there were many inequities and hardships that were being endured by our men and women there, some of which were unnecessary.

The amendment also takes care of some special needs of our soldiers. It authorizes free postage and provides imminent danger pay in recognition that the Nation has placed them in harm's way, all of which is good.

What troubles me greatly, however, is that the amendment does not go far enough. It does not really address itself to crucial national defense issues that have been exacerbated by the Persian Gulf.

The inadequacy of the amendment comes from two aspects:

A continuing, politically motivated adherence to the House budget resolution which, as I've said many times before, cuts defense too far, too deep, too fast, and a failure to recognize that Saddam Hussein's August invasion of Kuwait shattered the HASC's carefully crafted image of a world without threats to the United States.

For these reasons, the amendment leaves standing major shortcomings uncovered.

I would cite but one of those shortcomings that must still be addressed.

We will still cut military personnel strength by over 129,000 at a time when we have deployed nearly that many men and women in harm's way.

The committee persuaded itself that such a deep cut was necessary because cuts were inevitable, and, consequently, forcing more people from the services, faster than required would shorten the agony of the thousands of volunteers who were waiting for their pink slips.

As a result, the Department of Defense now finds itself in the schizophrenic position of melting down its military force while simultaneously conducting the largest deployment of U.S. forces in nearly 20 years.

My regret, then, with the Aspin amendment is that it adheres blindly to the House budget resolution—a partisan political product—and avoids making the complete and correct decisions mandated by a truly changed world situation.

Mr. Chairman, I would like to have a short colloquy with the gentleman from Wisconsin [Mr. ASPIN] to clarify a couple of points.

Mr. Chairman, your amendment establishes an authorization requirement for the funds contributed by other nations to help support Desert Shield. I applaud the concept, but I have two concerns, and would appreciate your comments.

The gentleman from Wisconsin [Mr. ASPIN] is well aware of the time it takes to get anything done around here, as witnessed by how long we have struggled with this bill. Does the gentleman have in mind a series of supplemental authorizations for use of these funds on an as-required basis, and, if so, does he have in mind any kind of expedited process to ensure that these funds can be authorized in a timely fashion?

Mr. Chairman, to paraphrase, if we are to receive financial assistance, whether it be from Kuwait, from Saudi Arabia, or from any other country, is it the intention of the gentleman from Wisconsin [Mr. ASPIN] that the funds received by this country, if they are to be spent by the Department of Defense, that they be authorized as any other defense expenditures, and authorized by our committee?

□ 1130

I would like for the gentleman to discuss with me, and for the record, how he would envision this to happen.

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

Mr. DICKINSON. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, it would happen during the normal legislative process which would mean either essentially an authorization bill, an annual defense bill, or a supplemental.

Mr. DICKINSON. So you would anticipate that there might be a series of supplementals or supplementals as required?

Mr. ASPIN. No; I would anticipate probably there would be one supplemental. As I understand it, the way we are going to pay for Desert Shield is through a supplemental, that the budget negotiators have in fact decided that the defense budget number that is going to come out of this conference and be given to us not just for this year but for the future years is essentially to the baseline defense number, and that any cost of Desert Shield essentially, any costs would be dealt with in a supplemental. That is not final, but that is where the negotiators have been heading.

If that is the case, what I would anticipate is that at the point that the supplemental was sent up, wrapped into that supplemental would be the notification of where the funding comes from. A certain amount of it we know would be coming from abroad, but probably is unlikely to cover all of the expenses. Some of it would come out of the Treasury. Essentially we would vote on the money that would come both by donations and by the Treasury in the same bill.

Mr. DICKINSON. What happens if we do not authorize supplementals?

Mr. ASPIN. That is the point. We would like to get into the authorization of supplementals.

Mr. DICKINSON. What you are saying is that your amendment would require the authorization of supplementals or funds given by third countries in support of Desert Shield, is that correct?

Mr. ASPIN. That is correct.

Mr. DICKINSON. Do you anticipate, or have you provided for, any expedited procedure, because we cannot do this on a once-a-year basis?

Mr. ASPIN. No; we do supplementals, the gentleman from Alabama knows, and the Congress does deal with supplementals on a regular basis. We had one last spring.

Mr. DICKINSON. That is true. It is a rather tedious process, and quite often, as I say, we do not always authorize supplementals, but we deal with them.

As the gentleman is aware, the tendency around here is to load up must-do legislation with Member gold watches, so to speak. We should avoid the add-on pet rocks and so forth at all costs, should we ultimately authorize these funds.

How would you propose that we establish any procedure so that we can deal with this subject directly, and deal with it as needed without the extraneous things being added on like a Christmas tree?

Mr. ASPIN. I think the example is the amendment we have here before us. We are dealing here with $1 billion that we have, that was made available through amendments and through the actions of the Secretary of Defense. We are proposing here I think a very wise spend-out of that $1 billion. I listened to the early part of the gentleman from Alabama's speech, and he seemed to agree that we ought to spend money on these items. There were a lot of competing forces for this money. Some people wanted to put in it a lot of foolish programs like the B-2 and the SDI, which of course had nothing to do with Desert Shield. So if the gentleman from Alabama will stand firm, I am sure on our side we will stand firm and make sure we do not spend the money on things that are not related to Desert Shield, not things that people like, or some people like here in the administration want to spend the money on, things that have nothing to do with Desert Shield like the B-2.

But I think the gentleman is right. But I think that is the reason that we can show that we are doing it, is we have done it with this amendment.

Mr. DICKINSON. I hope the gentleman is right. It is certainly something that should be done and addressed, and we should retain control of it, so to speak, to make sure that extraneous things that have nothing to do with Desert Shield are not funded from the money that we are receiving from countries to help pay for Desert Shield.

Mr. ASPIN. If the gentleman will yield further, I think we have a good chance if we were to authorize that, and I know the gentleman shares my suspicion of the appropriators, and I think that the gentleman would agree that the appropriators are often a problem in the area that the gentleman from Alabama is talking about. So if we do have a process here where we authorize and appropriate the money coming to us from Kuwait and Saudi Arabia, I think we have a better chance that we would have a bill here that does not add a lot of pork. I do not trust the appropriators very much to keep the pork out.

Mr. DICKINSON. I am surprised to hear the gentleman say that. They only appropriated $13 billion of unauthorized expenditures and unappropriated $8 billion that had not been authorized, so I cannot understand the gentleman from Wisconsin being suspicious of them.

Mr. ASPIN. Maybe it is just a natural suspicion of the group.

Mr. DICKINSON. Your amendment contains a sense-of-Congress provision concerning the activation and deployment to the Persian Gulf of at least one Army National Guard combat brigade. You state specifically that:

> The order of such brigade to active Federal service should be issued under provisions of law that would allow that brigade to remain in such service for the duration of Operation Desert Shield.

I recognized the need for this when we were in the Persian Gulf and we talked to General Schwarzkopf and others. There was a strong urge on the part of the Members to say, if we are going to need the Guard and the Reserve, and if they are going to prove their mettle and prove the total force concept, it is a terribly expensive thing to have if we are not going to use them when we need them. Call up the active duty and combat types. The answer was that under the 180 days you can only use them for about 2 months, and then they have to rotate, creating a morale factor as well as a terrible expense for what we are getting out of them.

So you have a sense of Congress that we should extend the time. Does this provision in any way require the President to invoke the War Powers Act; was that what the gentleman was proposing?

Mr. ASPIN. No, I did not anticipate that it would include the War Powers Act.

Mr. DICKINSON. I am going to vote for the amendment, but let me say, we all agree that 180 days is insufficient and we are cutting too deeply into the end strength, the total manpower. I am going to offer, at the proper time, in my motion to recommit the authority, to extend the time from 180 days to 360 days, and cut back on the terrible end strength cuts to approximately the Senate figure of 101,000.

Mr. ASPIN. If the gentleman will yield, I think that the question of how do we deal with the 180-day problem is still open to debate and, therefore, I am going to oppose the gentleman's motion to recommit on the grounds that I think we need to work this out in conference.

What you have, if the gentleman will yield further, is several ways under which the Secretary of Defense and the President can call up the Reserves, and one provision is that one that goes for 90 days and then an extra 90 days. We may need some legislation if that is the vehicle he is going to use. We do not know that yet. But there are other methods under which he can call them up, and it is the opinion of our legal counsel here, and we do not know whether the Pentagon agrees, that he has in effect already signed the necessary paperwork calling for a national emergency in order to call up the Reserves.

So I think this needs to be worked out. The reason we did not put that provision in this bill was I think we need to work the problem out with the Pentagon a little further as to exactly what we have to do to make sure that we do not, as I think the gentleman from Alabama pointed to, we do not just want to send them over there only to have them there for a month or two and then run out of time.

Mr. DICKINSON. I will discuss that in more detail, the extension of the time from 180 days to 360 days, which to me is clearly the most preferable way that we can deal with it, and then we do not have to wait until we go to conference.

I thank the gentleman and will support his amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Alabama [Mr. DICKINSON] has 12 minutes remaining and the gentleman from Wisconsin [Mr. ASPIN] has 6½ minutes remaining.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1140

Mr. MONTGOMERY. Mr. Chairman, in the Aspin budget-adjustment amendment which we are talking about now, there is a sense-of-the-Congress resolution that says the Secretary of Defense should call up at least one combat National Guard brigade, and that it be deployed to the Persian Gulf.

I certainly support this resolution. The reason for the resolution is that the Defense Department, Mr. Chairman, has not called up one combat unit of the National Guard and Reserve except the airlift capabilities of the Reserves, and they are doing a good job.

For years, now, the Congress and the Defense Department have been working together to get the total force. Now, what is the total force? The total force is you take Reserves

and you take the Active Forces, you train them side by side. When you have an emergency, they move out together, they fight together.

The Defense Department, for what reason I do not know, has not called up one combat unit of the Reserves or the National Guard. Fifty percent of all of our combat missions of the Army now, are in the National Guard and the Reserves. Thirty percent of the Air Force missions are in the Air Reserve and the Air Guard.

The important point is this is the proper time to test the mobilization of the National Guard and Reserve, to see if they can mobilize, to see if they can move properly to Saudi Arabia, that they have had the proper training and can do the job. I say when we do not have body bags coming back from the Persian Gulf, this is a wonderful opportunity to test the National Guard and Reserve.

Mr. Chairman, in the last 10 years, the Congress mainly has been giving incentives to the National Guard personnel; we have been giving them new equipment; we have been giving them better training.

Certainly, I urge that this resolution be adopted. It is simply a sense-of-the-Congress that says "Get on the stick over there in the Defense Department and call up these reservists, call up combat units."

Mr. DICKINSON. Mr. Chairman, I am delighted to hear that the gentleman from Mississippi is agreeing with what I propose to do with the National Guard and Reserve in my motion to recommit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Chairman, I now yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I rise in support of this amendment to name a destroyer after our late colleague, Sam Stratton.

I could think of nothing more appropriate. Sam Stratton was a great American patriot. How fitting that his memory be preserved by naming a naval vessel after him, this man who did so much to restore our military vigor.

Mr. Chairman, Sam Stratton was a learned man who not only read deeply in history, but witnessed it first-hand as an intelligence aide to Gen. Douglas MacArthur in World War II. From that experience he knew that the cost of military weakness was paid by the blood of millions of people, and he knew that America must never again strip her defenses. So much of Sam Stratton's congressional career was guided by that goal, and he never wavered.

The spirit of Sam Stratton pervaded our deliberations as we organized the debate over the Defense authorization bill. On this, and on so many other issues, we often find ourselves asking: "What would Sam do? How would Sam handle this? How would Sam react to this?"

We shall not see his equal again soon. But we can build a durable monument to this great American patriot by supporting and passing this amendment. Knowing that a U.S.S. *Samuel S. Stratton* is patrolling the vast oceans, helping to preserve our freedoms, and to protect American interests, is the best tribute to a colleague we all loved and respected.

Mr. Chairman, I urge support for this amendment.

Mr. GEKAS. As we all do, I am sure. I thank the gentleman.

Mr. Chairman, when we first learned about the callup of the 90-day reservists, we became alarmed at the complaints we were receiving about the absence of the variable housing allowance obtained only because they were called up for such a short period of time; that, indeed, the Pentagon regulation called for those types of benefits to be payable only if the callup were for 140 days or more.

I now assume after we introduced legislation and implored the Secretary of Defense and talked to important people on the various important committees that now this amendment carries the answer to that problem that we have been posed.

But let me ask the gentleman this: Does this really include the 90-day people even if they do not go overseas? I would like the chairman to answer that first, and then to pose another question.

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

Mr. GEKAS. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, the gentleman is correct. It covers all of them.

Mr. GEKAS. So now there is no distinction between 140 days, 100, or 90 or whatever. That is a giant step forward for which I thank the chairman and all of those who made this particular amendment possible, because as all of us know, the gentleman from Mississippi has been in the forefront of all of this, that when a 90-day reservist goes, just like a 140-day individual, the bills at home pile up, even if it is only for 90 days. That does put our reservists who have been called up just for that short period of time at an unbearable, sometimes, financial burden, and we ought to be treating them all alike.

For that, I thank the visionary members of the committee who were able to fashion this amendment, and I will support it.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN], the ranking member of our Subcommittee on Military Personnel and Compensation.

Mr. BATEMAN. Mr. Chairman, I thank the distinguished gentleman from Alabama [Mr. DICKINSON] for yielding me this time.

Mr. Chairman, I rise to say that I, too, will support the Aspin budget adjustment amendment. It is a positive step.

I must add, however, that it would be much improved and is deficient in my opinion by its failure to address one of the major shortcomings of the Defense authorization bill that came to the floor, and that is the unmanageable excessive reductions in end strength for our uniformed soldiers, and most especially the U.S. Army.

When our subcommittee acted upon this bill, I did not oppose it, but reserved the right to seek to address this question of reduction in end strength at a later point in the deliberations on the bill. Certainly, it not being addressed in this amendment, I am pleased that it is addressed in the motion to recommit offered by the gentleman from Alabama which I shall support.

Failing that, I will certainly be supporting adding back some of the end strength that we are taking from the U.S. Army when we get to the committee on conference.

This bill, as we have it on the floor, reduces Army end strength by 68,500 people. I am not one of those who believe that we cannot reduce the size and cost of our military operations, our Defense Department budget and activities. I agree with the Secretary of Defense and the President that over time we can, indeed, make reductions even in light of Operation Desert Shield, but it is critically important that we make those reductions in an intelligent, programmatic way, not in a willy-nilly, haphazard way that does not comport with the ability of our military personnel managers to deal with a drawdown of an all-volunteer force, the first time in the history of this Nation that we have ever been called upon to draw down in substantial numbers a military force that served totally as volunteers.

We all fall all over ourselves lauding the quality, the caliber, the dedication, the effectiveness of our people in military uniform, and we have every reason to do that and to be very, very proud of them. It also tells us something that whatever you may think the Department of Defense does in procurement or in other activities, it has done a superb job of personnel management training to get and to retain the quality of force that we have.

To insist that the Army in fiscal year 1991 reduce its size by 10 percent, by 68,500, in the teeth of their indicating to us that they could not with equity bring about that size a reduction that fast without creating enormous turbulence, without great risk of not ending up with a proper mix of

forces that would serve the Nation's national security into the future, for these reasons, I think the budget adjustment amendment has a shortcoming where it should have had at the advance, at the first of the list, an adjustment in military end strength. For those reasons, I will support, among others, the motion to recommit, but do join in support for the Aspin budget adjustment amendment.

I especially commend the fact that we are dealing with the necessity of making up the loss of income to our people who are forward deployed.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes, the balance of my time, to the distinguished gentleman from California [Mr. DORNAN], a member of the Committee on Armed Services.

Mr. DORNAN of California. Mr. Chairman, one note on naming a ship after our distinguished colleague, who can truly be described as beloved, for his decades of service in the House—Sam Stratton. If anything is going to be unanimous in this body during these turbulent closing days, it is going to be that wonderful suggestion.

However, I would ask my Democratic colleagues, how is it that one of their colleagues who was a Navy commander, a doctor, served on the Committee on Armed Services for 10 years and was shot down by a Russian fighter on the same day that a distinguished Senator died of natural causes, that Henry Jackson ended up with a nuclear carrier named after him, quite fittingly, within hours, and yet Lawrence Patton McDonald of your party has not had a landing barge named after him since he died on September 1, August 31 our time, 1983.

Mr. Chairman, I get up to support the gentleman from Mississippi [Mr. MONTGOMERY, whom I admire greatly and is the leading force in this House for the Guard and the Reserve, but I want to support the gentleman through the instrument of the motion to recommit and what the gentleman from Alabama [Mr. DICKINSON], our Republican leader, is trying to do.

□ 1150

In the motion to recommit, besides not drawing down the Army by an additional 28,500 men—and I subscribe to all the excellent remarks of my distinguished colleague, the gentleman from Virginia [Mr. BATEMAN], about doing this to a volunteer service, and in this rush to draw down our military forces, particularly the Army, too quickly—being wrong, let me point out that what the gentleman from Alabama [Mr. DICKINSON] is trying to do is extend the President's power from 180 days to double that, so that the people at the Pentagon cannot say, "We only operate in 90- or 180-day periods, and that's too short a time to call up the Guard and Reserve."

There are a few in this Chamber who served on active duty and in National Guard units and in the Reserve. I am one. In all three categories I served as a combat ready fighter pilot, or as a rescue pilot in the Reserve. When I was a fighter pilot in the Guard after 6 years active duty, 5½ years, I was a better pilot, getting better gunnery scores. We should call up the Reserve and the Guard combat units and rotate them, because we all hope we are in this for the long haul with nobody killed. The long haul, to wear down the Thief of Baghdad, Saddam Hussein. But let Members vote for the motion to recommit. That is the proper instrument to do it.

Mr. ASPIN. Mr. Chairman, the amendment that we are dealing with here is to spend a billion dollars.

Part of it came from the SDI cut yesterday, part of it from the DDG Program that the Secretary of Defense has recommended. The other part of it comes from the cut we passed here, the Bennett amendment. Therefore, the Bennett amendment of yesterday has freed up the bulk of the money that we are spending here today.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I want to congratulate the leadership of the committee on bringing forth this amendment. I want to thank all Members of Congress who are making available the money through SDI and other sources to do these things that need to be done.

Earlier on this year, the honorable Chairman of the Chiefs of Staff Colin Powell, said the most needed thing was to provide for adequate sealift. Admiral Crowe said that same thing just a year before. Unfortunately, neither the budgets coming from the Department of Defense included any money for it. As a matter of fact, the gentleman from Pennsylvania [Mr. MURTHA] and I, and the chairman of the committee, and the gentleman from Pennsylvania [Mr. RIDGE] and others, were insistent we do something about this. So we did get $600 million last year from Congress for sealift.

Unfortunately, the Department of Defense did not spend any of that money for sealift, even though they said it was our most needy field. Actually, they took about half of it out for something else. So that was really kind of a bitter thing to swallow.

I want to congratulate the chairman also for bringing in many of the things like the adequate pay for those in hazardous conditions, the defending against chemical warfare and biological weapons and for the other defense needs which are in the field of conventional weaponry. I am glad this amendment has been offered, because it is the best symbol of the fact we are now correcting some things that are now long overdue to be corrected, and I am very grateful to the leadership of the committee making that possible.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, as the chairman of the subcommittee, the gentleman knows we are concerned about OMB, and we had to cut $6.8 million under OMB. I want to commend the chairman. It is vital for the forces in the Middle East. We had discussion on burden sharing, and I think the other countries ought to pay a good share of what it is costing the United States there, and we discussed how this is going to be done. If Saudi Arabia contributed $5 billion, some others different amounts, we would still authorize, would we not, and will they not go into the Treasury, and then we would authorize and appropriate like any other?

I yield to the gentleman from Wisconsin.

Mr. ASPIN. The gentleman is correct.

Mr. HUTTO. It is very important we do support our forces in the Middle East, and I think it is very necessary. I commend the gentleman.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in support of this budget amendment.

Mr. Chairman, I rise to express my strong support for the Aspin budget adjustment amendment which includes $290 million for authorization of 3 coastal minehunters [MHC's] in fiscal year 1991. I am convinced that these vessels are needed for maintaining our national security.

In a hearing last year before the Armed Services Committee's Seapower Subcommittee, the Associate Director of Navy Issues at the General Accounting Office testified that most of the Navy's mine countermeasure ships and related equipment were nearing the end of their service lives.

Although the Navy had been in the process of replacing these assets and did not request any MHC's in fiscal 1990, Congress, with leadership from Congressman CHARLES BENNETT's Seapower Subcommittee of the House Armed Services Committee, took what I believe to be the wise step of authorizing and appropriating two coastal minehunters in fiscal year 1990.

As report language in last year's House Defense authorization bill stated, "deficiencies—in U.S. mine countermeasure capability—can be remedied, in part, by timely acquisition of new mine countermeasure assets."

I feel strongly that we must act to improve U.S. mine countermeasure capabilities by acquisition of additional coastal minehunters.

The increasing instability in the Middle East, in addition to the advancing age of our current mine countermeasure fleet, are good reasons

to approve the Navy's fiscal year 1991 request for three coastal minehunters.

New MHC's will provide our military with an irreplaceable capability to detect, locate, classify and neutralize or sweep a number of different types of mines in coastal and harbor environments.

Additionally, I am concerned that absent authorization of MHC's in fiscal 1991, the cost of each of these ships will increase significantly. Indeed, the Navy maintains that if zero or one ship were authorized, there would be a detrimental impact on the shipyards which are building these vessels.

For these reasons, I urge all of my colleagues to support the Aspin budget adjustment amendment, which includes $290 million for three MHC's.

Mr. McCLOSKEY. Mr. Chairman, I rise in strong support of Chairman ASPIN'S amendment which includes provisions recommended by Chairwoman BYRON to provide for hazardous duty pay to American soldiers stationed in Saudi Arabia.

The tens of thousands of American men and women stationed in Saudi Arabia are the embodiment of our policy to contain Saddam Hussein and to restore the sovereignty of Kuwait. They are working in a hostile environment and are facing a potentially belligerent adversary with significant military capabilities.

Many of the American military personnel stationed in Saudi Arabia have families and other responsibilities in the United States. However, since those deployed no longer receive the basic allowance for subsistence [BAS], enlisted personnel and officers stationed in Saudi Arabia are now attempting to meet these same responsibilities while essentially drawing lower pay.

BAS for enlisted personnel is approximately $177.30 per month, while officers receive $123.92. While officers technically keep receiving BAS, an equivalent is deducted from their pay for food costs. Enlisted personnel receive foreign duty pay, which varies by pay grade but never exceeds $22.50 a month. Officers and enlisted personnel are eligible for family separation pay of $60 per month after the first 30 days.

The aggregate result is that American service personnel participating in Operation Desert Shield are making less now than before they were deployed. Many individual servicemen and women and their families are adversely affected by this substantial cut in pay.

The Secretary of Defense has the authority, under 37 U.S.C. section 310, to authorize hazardous duty pay at a level of $110 per month. Specifically, 37 U.S.C. section 310 (a)4 grants the authority to authorize hazardous pay when an individual is on duty "in a foreign area in which he was the subject of the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions." On September 10, my good friend and colleague, Mr. BUSTAMANTE, also a member of the Armed Services Committee, joined me in writing to Secretary Cheney to urge to authorize hazardous duty pay.

Although military personnel and their families stationed in the Persian Gulf would still receive less compensation than before they were deployed, the $110 per month hazardous pay would represent a substantial portion of the BAS that military personnel no longer receive.

Unfortunately, the Secretary has not exercised this authority and a legislative response is required. The Aspin amendment provides $815 million for pay and other personnel benefits for military personnel stationed in the Persian Gulf. In addition to much-needed hazardous duty, or eminent danger, pay, the amendment provides for additional benefits for reservists, and increased medical pay for reserve physicians and dentists on active duty.

This amendment is greatly needed, and I urge my colleagues to support it.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the en bloc amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The question was taken; the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 10, not voting 9, as follows:

[Roll No. 350]

AYES—413

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
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
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
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
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—10

Dornan (CA)
Gonzalez
Kyl
Livingston
Marlenee
McEwen
Savage
Schulze
Stump
Walker

NOT VOTING—9

AuCoin	McDade	Traxler
Bilirakis	Paxon	Unsoeld
Leath (TX)	Towns	Watkins

□ 1216

So the en bloc amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WEISS. Mr. Chairman, I rise in support of final passage of the Department of Defense authorization bill. Although we could make steeper reductions in defense spending without jeopardizing our national security, this bill takes important first steps toward meeting the new realities of the post cold war world.

In these times of change, uncertainty, and fiscal austerity, our country's security is not best protected by symbolic purchases of big-ticket items developed for a bygone era. This year's bill reflects this fact by making significant reductions in strategic weapons systems. Provisions of the bill delete almost half the research and development and procurement funds—over $7 billion—for six cold war relics: the B-2 Stealth bomber, the strategic defense initiative, rail garrison MX missiles, Midgetman missiles, Trident submarines, and Trident II missiles.

In fact, the measure completely terminates production of the B-2 and the MX, as well as several other missile systems such as SRAM-T, AMRAAM, and Follow-on-to-Lance, and ATACM.

Recognizing the reduced military threat from the Warsaw Pact nations, the bill reduces military personnel ceilings by 129,000 from the current level. It lowers the ceiling on the number of United States troops stationed in Europe from 311,855 to 261,855, a cut of 50,000.

While the bill reduces or eliminates many outdated programs, it also reorients our defense priorities to programs that address new vulnerabilities and dangers, like the threat of terrorism, weapons of mass destruction in the Third World, and regional conflicts.

For example, the bill authorizes the first fast sealift ships in a decade, endorses the C-17 airlift program, beefs-up national guard and reserve forces, and reorients our intelligence and communications systems away from the potential confrontation with the Soviet Union and toward the more unpredictable regional contingencies.

The bill also recognizes that the U.S. Government must put in place a defense economic adjustment program to deal with massive layoffs and community dislocation that will result from cuts in defense spending. Although this program is a modest one, it will help workers and communities adjust. The bill establishes a President's Economic Stabilization and Adjustment Council to coordinate and implement national defense economic adjustment and provide information to localities on relevant loan, grant and job training programs.

It also authorized $100 million for special retraining for dislocated defense workers and $100 million for community planning grants. Although this assistance is modest and I advocate a more comprehensive economic conversion policy, this will help workers adjust to dislocation related to defense cuts.

Although I support larger cuts, I will support this authorization because it takes the first steps toward reducing defense spending and reorienting our defense priorities away from the fading confrontation with the Soviet Union in Europe and toward new vulnerabilities and dangers. This reduction and reorientation demonstrates the wisdom, courage, and flexibility of this body and will serve as a starting point for cuts and modifications to come.

I would like to add one final point. Although I will support this bill, I will not support a conference report that sacrifices the reductions the bill makes in defense spending. I strongly hope that the House conferees defend them effectively.

Mr. SLATTERY. Mr. Chairman, I rise in support of title V of H.R. 4739, which provides separation pay and transition benefits for involuntarily released service members.

Earlier this year, I introduced two major pieces of legislation to assist U.S. military personnel.

H.R. 4003 would extend separation pay benefits to noncommissioned officers [NCO's] and regular enlisted members of the U.S. Armed Forces.

H.R. 5166 would establish a comprehensive transition program for involuntarily released personnel, including extended health care for members and their families, relocation assistance, and educational opportunities.

I was very happy to see many of the provisions in these bills included in the fiscal year 1991 Defense Authorization Act. I commend Chairwoman BYRON for her hard work and careful attention to this matter.

Over the next 5 years, the defense buildups and stockpiling of the past decade will inevitably be downsized. As a part of this defense drawdown, thousands of military personnel may be discharged ahead of schedule. According to recent Defense Department figures, at least 91,000 servicemembers will be released by the end of fiscal year 1991.

Many of these involuntarily discharged soldiers joined the Armed Forces with the goal of making military service a career. Some will have more than 15 years of service. For others, service to our country has been their only job experience. But today, because of circumstances beyond their control, these dedicated men and women face an uncertain future.

In California, these defense cuts are expected to result in troop reductions of 100,000 annually. State officials anticipate that between 60,000 and 80,000 of these servicemembers will stay in California to look for civilian employment.

Many other States, including my home State of Kansas, can expect similar consequences as a result of the defense down-sizing. State and local governments will face new challenges as they attempt to absorb thousands of recently released service members and their families into their local economies.

Despite discussions over the past decade about improving support services for separated personnel, the current network remains woefully inadequate, because of inequities in the separation pay system, and lack of a transition plan.

First, separation pay is inequitable. Only officers are currently eligible to receive separation payments when they are involuntarily released from duty.

H.R. 4003 would finally end this injustice by extending the separation benefit to all eligible service members with 5 or more years of active duty service. The formula used for officers would be applied to determine the separation benefits for NCO's and enlisted members.

H.R. 4739 includes this provision, with the caveat that benefits would be extended to servicemembers with 6 or more years of active service.

Second, there is currently no comprehensive system of transition services for involuntarily separated personnel.

H.R. 5166 would provide relocation services, outplacement services, extension of the Montgomery GI bill, health care benefits, and service briefings for involuntarily separated personnel.

I am pleased to see that H.R. 4739 includes all of these provisions in one form or another.

Once again, I want to recognize Chairwoman BYRON's tremendous efforts in bringing this legislation to the floor. The passage of H.R. 4739 will ensure that all eligible servicemembers receive adequate separation compensation if they are involuntarily discharged from duty.

Mr. SKAGGS. Mr. Chairman, I would like to point out to other Members of Congress some language in the committee's report on the defense bill that is of particular importance to me and to the people of the district I represent.

The language, which I sponsored, would authorize the Secretary of Energy to reimburse cities downstream of Rocky Flats for actions they take to protect their municipal drinking water supplies from any possible contamination from that plant. These downstream cities include Broomfield, Federal Heights, Northglenn, Thornton, and Westminster.

Rocky Flats is located immediately west of Great Western Reservoir and just northwest of Standley Lake. Together, these reservoirs provide drinking water for nearly a quarter of a million people. Historically, runoff from 51 percent of the plant site area drains into Walnut Creek, and from there, directly into Great Western Reservoir—35 percent of the site area drains into Woman Creek, which flows into Standley Lake.

Both of these drinking water reservoirs have been contaminated in the past by the Rocky Flats plant. And both are vulnerable to additional contamination in the future. At the most basic level, it should be clear that process water from a nuclear weapons plant, or runoff from contaminated areas on a nuclear weapons plant site, should not be allowed to drain into public drinking water supplies. It's long past time we did something to ensure absolutely the safety of these drinking water supplies. This committee language, which supports projects to impose physical barriers between Rocky Flats and municipal water supplies downstream, is a significant step toward accomplishing that.

Due to dozens of past accidents and other problems, both hazardous and radioactive materials have made their way into these water supplies. For example, both Great Western

Reservoir and Standley Lake have plutonium contamination in the sediment at the bottom of the reservoirs and on the surface soils surrounding the reservoirs. Scientific surveys have established that the bulk of this plutonium is from Rocky Flats, rather than from fallout from past nuclear weapons testing.

In 1973, a tritium spill at the plant went undetected, and the tritium was mixed with normal waste waters and released downstream. The radioactive tritium mixed with water and through Great Western Reservoir and the water treatment plant of the city of Broomfield, and was consumed by residents before the incident was even reported to city officials.

Other surface water contaminants from the plant that have entered these reservoirs over the years have included other radionuclides, heavy metals, nitrates, and fecal coliform bacteria.

This impact of Rocky Flats on local water supplies has been of great concern to these cities for a long time. In the last 2 years, however, a series of reports and incidents has driven public concern about risk to these drinking water supplies to extraordinary levels.

In December 1988, DOE released a report on environmental problems at all of its nuclear weapons sites. The report declared VOC [volatile organic compounds] contamination at Rocky Flats as the No. 1 potential hazard to public health of all DOE sites, because the VOC's were slowly migrating toward streams feeding into local drinking supplies.

In February 1989, a tankful of toxic chromic acid spilled out during the night, overflowed past several containment barriers, and reached a series of retention ponds above Great Western Reservoir. After the spill was detected, DOE told the public that it wasn't sure the ponds, which were nearing capacity, would hold, given the structural limits of the ponds' dams. While the tainted water was ultimately diverted away from the reservoir, hundreds of panicked citizens flooded city governments with calls to ask if their water was safe. The whole incident left residents with the fear that this kind of incident could happen again at any time. And, as we shall see, it has.

In June 1989, the FBI and EPA made a highly publicized raid on the plant, to look for evidence of criminal violations of environmental laws. The search warrant alleged, among other things, that the plant was illegally dumping hazardous and radioactive wastes into the streams leading to these local reservoirs. Again, hundreds of citizens called their municipal water departments to ask if it was safe to drink their water. While the grand jury investigation is still continuing a year later, and there is some evidence that the charges about illegal dumping may be incorrect, the impact on local citizens has been substantial. Citizens shouldn't have to live with these kinds of fears about their own drinking water.

In August 1989, levels of an herbicide, atrazine, and two chemical solvents in excess of State health standards were detected in the retention ponds. Again, questions were raised in the new media—and by dozens of concerned citizens—as to whether this contaminated pond water would be released downstream into drinking supplies. Fortunately, it was not.

In August 1990, DOE reported that samples of retention pond waters being released downstream at that time were apparently contaminated with plutonium at levels 30 times higher than State health standards and americium at 3 times health standards. Although DOE now believes these readings are false and caused by lab error, once again, local residents have had to live with questions about the safety of their drinking water.

Following last year's raid by the FBI, the city of Broomfield built a temporary diversion ditch to channel water from the plant around Great Western Reservoir, Broomfield's water supply. This spring, the Department of Energy built a temporary pipeline to channel water that would otherwise flow down Woman Creek into this diversion ditch, thus providing temporary protection to Standley Lake, the other local reservoir. But these are only temporary measures that protect these reservoirs from planned water releases. They cannot protect against accidents or against runoff from major storms.

The cities near Rocky Flats have been trying to find a permanent solution to this problem for several years now. Earlier this year, I asked them to join with representatives of the Governor of Colorado, the Colorado Department of Health, DOE's Rocky Flats Office, EG&G, Inc.—which operates Rocky Flats for DOE—the U.S. Environmental Protection Agency, and members of Colorado's congressional delegation, to see if we couldn't work out a solution that was practical and affordable. I'm proud to report that this working group, after several months of detailed discussions and negotiations, reached a remarkably strong consensus on a plan to resolve this problem.

The plan's long-term goal is to achieve a zero-discharge condition at the plant, while permanently barring the physical connection between Rocky Flats and city drinking water supplies. When the plan is completed, Great Western Reservoir would no longer be used as a drinking water supply, and Standley Lake would be protected against any contaminated runoff from the plant.

The cities involved are ready to embark on the first steps of this plan. These first steps allow for an interim solution that is consistent with the long-term solution, but that will not require lengthy reviews. The anticipated costs for these first steps, which can be done immediately, are $34.7 million, abut half the estimated cost of completing the long-term plan. This includes $21.5 million for replacement of water rights from Great Western Reservoir, and $13.2 million for structural barriers to protect Standley Lake. These projects provide interim protection of the region's municipal water supplies and avoid the possibility of accidental contamination from current activities or past pollution at the Rocky Flats plant.

To complete the plan will require further funds for additional structures to fully protect Standley Lake against a 100-year storm event, and for construction of a pipeline, reservoir, and treatment plant to fully replace the Great Western Reservoir water supply system.

Under the committee's language, the Secretary of Energy is authorized to use funds in DOE's Environmental Remediation and Waste Management account to reimburse the cities for costs borne in implementing this plan. The plan's first steps do not involve DOE land, property, or facilities, and does not require DOE to play more than an administrative role. For that reason, the cities anticipate that no NEPA [National Environmental Protection Act] review will be required. This means that these first steps can be taken immediately to correct the water problem of the northern metro-Denver cities.

In addition to these steps, the working group agreed that a water management plan should be implemented to achieve zero discharge of water-borne contaminants from the Rocky Flats plant. This water management plan is estimated by DOE's Rocky Flats office to cost $49 million. However, DOE found that when this zero discharge plan was combined with the off-site projects listed above, there was a $9 million savings. The total combined onsite/offsite cost for this water management and protection plan comes to about $110 million, which is believed by the working group to be the most cost-effective solution to the plant's water management needs.

Forty years ago, when Rocky Flats was sited near Denver, the planners probably just didn't know that the materials at Rocky Flats could be so hazardous to human health, or that the plant would soon be surrounded on all sides by small towns and suburban communities. But we know this today, and the Federal Government has to play with the hand it was dealt. It is a Federal responsibility to ensure that these municipal water supplies are adequately protected from any hazard from this Federal plant, and it is only reasonable to ask that the Federal Government assist in funding the projects essential to this protection. That is all we in Colorado are asking for, and that is the intent of this language in the defense bill.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to H.R. 4739, especially as it has been amended by the House and in support of the motion to recommit this authorization bill back to the Armed Services Committee for improvement. I agree that we need to build-down. However, I strongly believe that this needs to be done in a more responsible, reasonable, and careful way.

I am concerned about this bill for a number of reasons. While I certainly recognize that we have entered a new post-cold-war era, we are not out of the woods yet. There are still many real and dangerous threats—both strategic and conventional—to American national security and American interests around the globe. I strongly believe that President Reagan's and Bush's peace through strength policy directly shares a sizeable amount of the credit for fostering the incredible changes we have seen and continue to witness around the world, especially in Eastern Europe and to a lesser extent in the Soviet Union. I have been told personally on the streets of Bulgaria, Czechoslovakia, and Hungary that strong Western resolve was key to making the democratic revolution happen. But it's not over yet. It is said that the Soviets may have lost the cold war, but we have not yet won it. Now, with us in the final quarter of the game and leading, it is not the time to strike our defenses and throw in the third string. This bill actually cuts more

than $29 billion from the President's budget request, which itself represents a reduction in real dollars from last year. Already over the past 6 years in a row, we've cut, in real dollars, the defense budget by over 12 percent.

With Gorbachev's new policies of glasnost and peristroika, and with the incredible events in Eastern Europe—some of which I have experienced first hand—the Soviets and their nuclear missiles appear to be less of a threat. Unfortunately, the Soviets continue to modernize and expand their war machine—including their strategic nuclear weapons systems. The Soviets continue to modernize their heavy SS-18 ICBM's—a system for which we have no counterpart, develop and deploy new mobile ICBM's, and produce more submarines and SLBM's. I have to ask why? It is certainly not to counter any new U.S. systems. This defense bill deletes MX rail garrison, and we've capped MX deployments at 50 for years now, defers the small ICBM-Midgetman funding, reduces Trident II missiles, and kills the B-2 bomber. In other words, we continue to reduce, yet the Soviets continue to modernize and expand. Why? It makes no sense and providing the United States with an effective defense—just in case—makes a lot of sense.

While I believe that Mikhail Gorbachev will continue to guide the Soviet Union down a more peaceful path of economic and political reforms, there is no guarantee that he will always remain in charge in the Soviet Union. There are still hardliners in the Soviet military opposed to these changes. I am particularly concerned about the increased ethnic strife in the Soviet Union. If the Soviet empire continues to break apart, who gets these missiles and the rest of the Soviet war machine—much of which is in Soviet central Asia, an area of rising fundamentalism?

I am very concerned about the very deep cuts in SDI funding. Already during debate on the SDI provisions in the bill I have explained at length my concern about the SDI Program and the funding level passed by the House. The inadequate SDI provisions are a major weakness of this Defense authorization bill.

There are other threats as we are experiencing in the Persian Gulf. As we move into this new era, new challenges arise—like Saddam Hussein and a continued nuclear armed, radical Chinese leadership unconcerned about murdering hundreds of peaceful citizens in Tiananmen Square. We must have the capabilities and quality forces needed to meet these new challenges. Unfortunately, I believe that this authorization bill as crafted and amended does not adequately meet these needs. Important conventional systems, like the B-2 bomber and C-17 transport aircraft are left unfunded or underfunded.

President Bush and Secretary Cheney are shaping our defense forces, while reducing them, to meet the needs of new times and new challenges. Unfortunately, many provisions in this bill do not enhance this change but, instead, make it more difficult and less efficient. I am concerned about the many parochial add backs in the bill. Additional aircraft, tanks, and helicopters unwanted and unneeded by the military are thrust upon them by Congress. The many micromanagement provisions could prove to be quite onerous.

Despite these serious flaws, there are many good provisions in H.R. 4739. I'm very encouraged that Congress is addressing the economic conversion issue. As we builddown we need to reincorporate defense industry workers and military personnel into the civilian economy. This is particularly important in my district where the military itself and defense contractors are a significant part of the local economy.

I am also very appreciative of Chairman ASPIN and Vice Chairman DICKINSON for working with me to support the ALQ-184 airborne electronic jamming pod. This is an important conventional system which provides our combat aircraft with reliable self-defense capabilities. It has already been deployed in the Persian Gulf and that fact alone warrants its continuation. I am encouraged by Chairman ASPIN's willingness to pursue this issue in the House-Senate conference on the defense bill and again thank him for the colloquy we had on the House floor. I look forward to continuing to work together on this special program.

There are other responsible provisions in this bill including the add-back of resources needed for Operation Desert Shield. Our forces deployed in a tense, dangerous situation like this one should have everything they need. I believe the Aspin add-back tries to address the needs that have arisen.

H.R. 4739 also includes additional environmental and energy conservation provisions. The military is not exempt from these critical areas and I believe there are positive, worthy initiatives that can help both improve our environment and reduce our demand for precious energy in this legislation.

After very carefully weighing the benefits and problems of this bill, I believe that further, significant improvements need to be made. As I have pointed out, we certainly have some good provisions upon which to build. Now that Saddam Hussein, the thief of Baghdad has stolen our peace dividend, I believe we need to more carefully and more responsibly re-examine how we plan to continue our build-down. I do not believe this bill lays down these plans satisfactorily enough.

Mr. GEREN of Texas. Mr. Chairman, as we prepare to decide what our defense priorities for the coming year will be, I rise today to remind my colleagues of a key part of our 1991 Defense bill—the V-22 Osprey.

Mr. Speaker, the decisions we make as we debate the 1991 defense authorization bill could be among the most critical decisions we have made in years. Unlike years past, we are now moving into a world turned upside down, a period in which our friends are now our enemies and our enemies now act as our friends. Unlike years past, we now live in a world where our greatest threat may lie, not from an evil empire, but from unstable Third World regimes.

It is an era, Mr. Chairman, in which we can little afford to make foolish and short-sighted choices. But this is precisely the kind of choice we will make for ourselves and our children if we choose to scuttle the V-22 Osprey Program.

The V-22 has the strongest and most bipartisan support of any military program in recent memory, and with good reason. It can fly 1,250 miles without refueling and at twice the speed of existing helicopters, allowing carrier ships to stay at a safe distance from a hostile coast. It is especially suited to the limited conflict that many believe will be the battle of the future—the kind of battle we will face if the stand-off in the Persian Gulf erupts into a shooting war.

The V-22 is the vehicle of choice for the marines and special forces for short-haul, rapid deployment since it can move more troops, more quickly, and more safely. And in a recent battle simulation staged by Lawrence Livermore Laboratories, the V-22 made the difference between winning and losing a war in the Middle East.

Just what could the V-22 mean to our military performance if shooting were to break out in the Persian Gulf? A great deal. Unlike helicopters with their very limited flight range, the V-22 would be able to reach that part of the world from the United States or any other part of the globe within 36 hours. And unlike the helicopters on which our troops must now rely, the V-22 needs no reassembly when it reaches its destination; it's ready to go on arrival.

The V-22 is also the only tactical aircraft in the world that is protected against nuclear, biological, and chemical warfare, and because of its unique design, it is much less vulnerable to being shot down by small arms fire than its competitors. Its components are especially suited to withstand the intense heat our forces would have to endure in a Middle East war.

But if the V-22 is the vehicle of choice for the military, it is also the technology of choice for the Japanese and Europeans. Both are hard at work developing their own versions of the tiltrotor technology of the V-22. They understand as well as we do the ground-breaking cost- and space-saving capabilities of the tiltrotor design, and they each plan to make their dreams a reality before the turn of the century. Will we be left behind to rely on others for our national security needs?

It is clear that the military applications offered by the V-22 Osprey are only one part of the revolutionary capability the aircraft affords us. The tiltrotor design could mean the difference between winning the war on drugs and fighting a losing battle. It could be the answer to the ever-increasing congestion consuming the Nation's crowded airways. It could make a significant difference in our ability to reach disaster victims in this country and elsewhere. It could pave the way for oil containment teams to reach oilspills in a fraction of the time it takes them to do so now. But if the V-22 loses its place in the Pentagon budget, we may be forced to depend on others to show us what the tiltrotor holds in store.

In such a changing world, the direction in which our military resources must aim still remains unresolved. Can we afford to face the future without the Osprey? No, we cannot.

And in these times of budgetary belt-tightening, we must take special care to spend every penny wisely. This fact is precisely why we must continue to fund the V-22. The Pentagon's own study proved that the V-22 gives us more "bang for the buck" than its closest competitors. The Osprey is not only the strategic choice—it is the prudent choice.

Mr. Chairman, the world took an evil turn when Saddam Hussein's forces stormed on Kuwait, raising the stakes for this defense budget much higher than most of us expected just a few months ago. Mr. Chairman, we would be better prepared to counter the aggression of the Iraq's of the world if we had the V-22 right now.

Let's make this conflict the last one we face without this revolutionary aircraft. Let's keep funding for the V-22 fully intact—for today and for the future.

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the rule, no further amendments are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DONNELLY) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, pursuant to House Resolution 461, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKINSON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit the bill H.R. 4739 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

1. At the end of part A of title IV (page 92, after line 19), insert the following new section:

SEC. 403. ARMY END STRENGTH ADJUSTMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the deployment of a large contingent of United States military forces to the Persian Gulf region for an indefinite period requires an adjustment in the amount by which the end strength for the active Army is reduced in fiscal year 1991;

(2) while elements of all the military services are currently deployed in the Persian Gulf region, the Army, first and foremost, is threatened by the inherent conflict between the largest ground force deployment since the Korean War, on the one hand, and the largest one-year manpower reduction in the All-Volunteer Force, on the other;

(3) adjusting the size of the reduction in the fiscal year 1991 Army end strength from 68,500 to 40,000 will help to ensure that Army units worldwide, and particularly those deployed in the Persian gulf region, remain manned by a full complement of skilled, professional volunteers; and

(4) even with such an adjustment in Army end strength, a dramatic reduction in the overall fiscal year 1991 end strength for the Armed Forces will still be achieved as more than 100,000 active-duty positions will be cut.

(b) INCREASE IN FISCAL YEAR 1991 AUTHORIZED END STRENGTH.—The end strength authorized in section 401 for the Army for fiscal year 1991 is hereby increased by 28,500.

(c) FUNDING.—(1) The amount provided in section 301 for Operation and Maintenance, Army, is hereby increased by $57,000,000, to be available for expenses relating to the increased personnel authorized by subsection (a).

(2) The amount provided in section 431 for military personnel accounts is hereby increased by $370,500,000, to be available for personnel expenses for the additional personnel authorized by subsection (a).

(d) OFFSETTING ADJUSTMENT.—The amount provided in section 102(a) for Aircraft Procurement, Navy, is hereby reduced by $427,500,000, to be derived from amounts for the F/A-18 aircraft program.

2. At the end of title V (page 166, after line 5), insert the following new section:

SEC. 557. PERIOD FOR WHICH SELECTED RESERVE MAY BE ORDERED TO ACTIVE DUTY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) expanding the authority of the President to call up Selected Reserve units reflects Congress's belief that the Total Force Policy makes the active, National Guard, and Reserve forces of the United States equal partners in providing for the defense of the Nation;

(2) at present, 36 percent of the Army's combat divisions, 45 percent of its armored battalions, 49 percent of its mechanized infantry battalions, 50 percent of its infantry battalions, and 61 percent of its field artillery battalions are in the reserve forces and one-third of all active duty Army divisions, the core of the Nation's immediate ground combat reserve, are rounded out by a reserve combat brigade;

(3) as active duty forces are reduced due to budget constraints, the Nation's reliance on the reserves for a range of capabilities, including combat power, is likely to increase;

(4) reserve forces must be readily employable in a range of contingencies short of national emergency or war in a post-Cold War world;

(5) in order to fully test the Total Force Policy concept, as well as the effectiveness of the Army's Roundout concept, the Secretary of Defense should activate and deploy the roundout reserve combat brigades of the active-duty divisions now deployed, or planned for deployment, in support of Operation Desert Shield; and

(6) a serious impediment to the full participation of Selected Reserve combat units in current and future contingency operations is the present 180-day active-duty limitation imposed by law in section 673b of title 10, United States Code.

(b) EXTENSION OF PERIOD OF CALL-UP AUTHORITY.—Section 673b of title 10, United States Code, is amended—

(1) by striking out "90 days" in subsection (a) and inserting in lieu thereof "180 days"; and

(2) by striking out "90 additional days" in subsection (i) and inserting in lieu thereof "180 additional days".

(c) APPLICABILITY.—The amendments made by subsection (b) may be applied by the President with respect to any exercise of authority by the President under subsection (a) of section 673b of title 10, United States Code, that is in effect on the date of the enactment of this Act to extend that exercise of authority under such section to a total of not more than 360 days.

Mr. DICKINSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year I offered a controversial motion to recommit involving the Midgetman missile. This year I've tried to avoid controversy and to offer a motion that every Member of the House should be able to support because it involves people, not weapons. The people who serve in our military—activie duty, National Guard, and Reserve—should be our No. 1 priority as we begin the extensive restructuring of our military forces in the years ahead.

This past spring, many of us were involved in the contentious battle with Chairman ASPIN over the infamous personnel reprogramming request. One of Chairman ASPIN's objectives was to have Dick Cheney demonstrate loud and clear that people were more important than weapon systems. I'm sure, therefore, that we were all glad to receive Mr. Darman's letter last month announcing the President's decision to exempt military personnel from Gramm-Rudman sequestration

this year. The executive branch has demonstrated the priority it places on our military personnel; my motion to recommit now gives the House of Representatives an opportunity to do the same.

There appears to be a growing bipartisan consensus among the members of the Armed Services Committee that the budget numbers we were compelled to mark a bill to force us to cut our military personnel too deeply. The committee cut almost 130,000 active duty personnel and 65,000 civilians in fiscal year 1991. This number is three times the figure proposed in the President's budget, and four times larger than the largest 1-year personnel cut we've ever imposed on the services since the end of the Vietnam war.

Clearly, we are going to cut personnel more deeply than the President proposed because Congress is going to cut the defense budget. But 130,000 troops out of an All-Volunteer Force in just 1 year will cripple the Department's ability to manage the buildown we are all anticipating, as well as to manage the current crisis in the Persian Gulf.

I have a copy of a letter that Secretary Cheney sent to Speaker FOLEY yesterday. I would like the entire text of the letter submitted for the RECORD, but wouild like to draw the Members attention to the following:

The bills's cut of 92,000 people from the armed forces in a single fiscal year—on top of the 38,000 reduction already included in the Administration's budget submission—is inconsistent with effective management of the reshaping of the armed forces. Moreover, the cut of 130,000 military personnel may create unforeseen risks during a period in which the United States has been forced to undertake substantial new overseas deployments to defend vital American interests in and around the Arabian Peninsula.

The committee cut Army personnel so dramatically—68,500 in fiscal year 1991—that Secretary Stone will be unable to maintain any sensible or effective personnel rotation policy in the Persian Gulf while simultaneously confronting a congressionally imposed reduction of 10 percent of his total end-strength. Therefore, my motion to recommit will buy-back 28,500 Army personnel in fiscal year 1991 from the committee's cut of 68,500. In case any of my colleagues believe that I propose to let the Department off the hook, if my motion is adopted, we will still be cutting more than 100,000 personnel out of the total force in fiscal year 1991, including 40,000 from the Army. A cut of 100,000 is 2½ times Secretary Cheney's proposed cut, and 40,000 is twice as deep as his fiscal year 1991 recommendation for the Army.

This motion, therefore, is consistent with the objective of reducing our overall defense force by 25 percent in 5 years. It simply slows the rate of reduction slightly in the first year and allows the Army a little more management flexibility in view of the Persian Gulf deployments. For example, if the Army is forced to absorb a 10-percent personnel cut in fiscal year 1991, such a reduction will lead to the undermanning of its Conus and European based units—the same units that may be rotated into Saudi Arabia later in the fiscal year. Consequently, the Army needs the personnel relief my motion to recommit offers.

This motion will also address some of my colleagues' concerns about the Department's hesitancy to activate and deploy Reserve combat units. Those of us who recently returned from the Persian Gulf agreed, I believe unanimously, that the combat Reserves should be used in Operation Desert Shield. Although select support Reserve units have been activated, combat Reserve units have not. General Schwarzkopf, the commander of Central Command, explained to us when we were in the Persian Gulf that the current 180-day limitation on Reserve call-up made it impractical and expensive to use combat Reserve units in operations like Desert Shield. By the time the units have been activated, organized, and transported, they would only be in theater for 2 to 3 months before bumping up against the current 180-day limit and requiring replacements.

I believe that if we are going to follow a total force policy in peacetime, we should not hesitate to employ it during crises. Therefore, in order to remove the practical, logistical, and operational obstacles that currently impede sending combat Reserve units to Saudi Arabia, the second component of my motion to recommit extends the current 180-day limit on Reserve callup by an additional 180 days. This proposal was supported by both Republican and Democrat leadership only 2 weeks ago, so I don't believe it is controversial.

Although extending the Reserve callup period to 1 year doesn't require a dollar offset, easing the Army end-strength cut does. Although I don't often find myself in agreement with Chairman ASPIN, I do want to echo his words of recent months that people are more important than weapons. As such, I have offset the cost of my motion with a reduction of 18 FA-18 Navy aircraft that the committee added—repeat, added—to the President's request of 66 aircraft. I propose this offset without prejudice toward either the program or the Navy.

With carrier air wings slated to decline in the future, it's not clear that the direction in which Navy aviation force structure is headed justifies 18 additional FA-18's in fiscal year 1991. For those who feel that my motion will somehow irreparably damage the FA-18 program, let me remind you that if it is adopted, FA-18 funding will still be left at the requested level of over $2 billion—I repeat, $2 billion. By way of comparison, of the 25 biggest weapons programs in the President's budget that the committee acted upon, the FA-18 was the only program that was plussed-up. If my motion is adopted and the FA-18 is cut back to the requested level, it will still be only 1 of 7 of these 25 major acquisition programs left untouched by the committee. Thus, I can't believe my motion can be misconstrued in any fashion as irreparably harming the program.

As I stated at the outset, this is not intended to be a controversial motion. It simply proposes two personnel-related actions that the committee itself would probably have taken if we had marked up our bill after, instead of before, the Iraqi invasion of Kuwait. I urge all my colleagues to support this important motion. By doing so, you will be demonstrating your support for our men and women in uniform at a time when such support is critical. This is an easy vote for demonstrating the importance of people over weapons systems.

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER. I am writing to express in the strongest possible terms the importance of providing sufficient active duty troop levels for the United States Armed Forces in the fiscal year 1991 defense authorization bill (H.R. 4739). The bill as reported by the Committee on Armed Services imposes sharp, precipitous cuts in the size of the armed forces.

The Administration plans to reshape the armed forces carefully over time in light of reduced defense budgets. However, the bill's cut of 92,000 people from the armed forces in a single fiscal year—on top of the 38,000 reduction already included in the Administration's budget submission—is inconsistent with effective management of the reshaping of the armed forces. Moreover, the cut of 130,000 military personnel may create unforeseen risks during a period in which the United States has been forced to undertake substantial new overseas deployments to defend vital American interests in and around the Arabian Peninsula.

The reduction of the size of the armed forces in a manner that does not compromise our military capabilities will take time. It is a complicated, time-consuming and resource intensive action to plan and execute the logistical and other arrangements required to return or deactivate units in Europe or the United States. Also, the Department requires a substantial base of forces to permit deployment of units into and out of forward deployment areas such as the Middle East on a rotational basis. Even without Operation Desert Shield, end-strength reductions of the magnitude contemplated by the Committee bill could not be executed without a loss of needed military capabilities.

I urge the House of Representatives to increase the end-strength levels for active duty military personnel in the FY 1991 de-

fense authorization bill, to maintain America's military strength.

Sincerely,

DICK CHENEY.

□ 1230

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before we actually begin to engage the gentleman from Alabama [Mr. DICKINSON] in debate on his motion to recommit, I would like to take a moment here on this subject, and perhaps the gentleman from Alabama and I may agree on this part of it.

Mr. Speaker, I rise now in recognition of five of my Armed Services Committee colleagues who will be leaving the Congress at the conclusion of this session.

One of the Armed Services Committee's newest members, Mr. SMITH from New Hampshire, is pursuing a seat in the other body. The gentleman from New Hampshire has strongly supported a measure in the fiscal 1991 defense bill that earmarked $100 million from the base closure account for environmental restoration at bases slated for closure. I congratulate the gentleman on his victory yesterday in New Hampshire's Republican primary, even if the general election is another matter.

The gentleman from Connecticut [Mr. ROWLAND] came to Washington as the House's youngest Member in 1984 and is leaving in hopes of becoming his State's youngest chief executive. While the gentleman has always supported a strong national defense, he has shown no hesitancy in taking a firm position against weapon systems he believed were not necessary or effective. This is demonstrated most strongly by his longstanding opposition to the B-2 bomber, which he has repeatedly stated to be too costly and unnecessary.

Also leaving the Congress in pursuit of the Governorship is the gentleman from Maine [Mr. BRENNAN]. As a member of the committee's Seapower and Strategic and Critical Materials Subcommittee, he has been a strong supporter of the U.S. Navy. He was one of several Armed Services members who visited the Middle East following the Iraqi missile attack on the U.S.S. *Stark*. We all wish the gentleman from Maine good luck in his campaign to return to Augusta's Blaine House, where he served the people of his State well in two earlier terms as Governor.

The gentleman from New Jersey [Mr. COURTER] will be retiring from Congress at the end of this session after 12 years of distinguished service. As an active member of the Armed Services Committee, the gentleman from New Jersey will be remembered by his colleagues in this Chamber for his investment in the rebuilding of our Nation's defense. He has been a strong proponent of a robust and modern strategic deterrent force as the ranking minority member of the Committee's Procurement and Military Nuclear Systems Subcommittee. As a past chairman of the military reform caucus, he worked to improve the Pentagon's acquisition system to make the Defense Department more cost effective.

Finally, our colleague, the gentleman from Texas [Mr. LEATH] will be giving up his seat after 12 years as an active and influential supporter of a strong national defense. He will be sorely missed by our committee and by the Congress.

The gentleman took over the Armed Services Committee's Panel on Morale, Welfare and Recreation at a difficult time. He was challenged with preserving benefits vital to the morale and well-being of our men and women in uniform and their dependents in a deficit-driven budget environment. He succeeded.

He is a strong supporter of the committee's philosophy of putting our military personnel and their families before weapon systems. With the support of the committee, he acted to strengthen the commissary and PX system. He has championed moral, welfare, and recreation issues in general, repeatedly underscoring the day-to-day needs of our military personnel worldwide.

His retirement at the end of this Congress will leave a void we will not be able to fill, either on the Armed Services Committee or on the Budget Committee.

He has worked hard and accomplished a great deal and he will be missed.

Indeed, Mr. Speaker, all of these Members I have mentioned and who will be leaving the Congess at this time will be greatly missed. I believe the gentleman from Alabama [Mr. DICKINSON] will join with me today in paying tribute to these Members. They are Members who were part of the Committee on Armed Services at a very, very important time. I am sure all of them will be missed by the gentleman from Alabama and by myself.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I would like to thank the gentleman from Wisconsin [Mr. ASPIN] for bringing this matter to the attention of the House. I agree with everything the gentleman has said. These Members have all been very, very important contributors to our national defense in the actions and the workings of our committee, as well as in the deliberations and actions on the floor of the House.

This is really going to be a different place without them. I mean it is going to be different in a detrimental sense. It is not going to be nearly as good, and we are going to miss them. They will be hard to replace, and I thank the gentleman for calling this to our attention at this time.

Mr. ASPIN. Mr. Speaker, I thank the gentleman from Alabama [Mr. DICKINSON] for his comments.

Mr. Speaker, there are several Members who are seeking recognition. First, I yield 4 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the motion to recommit, and in my portion of our presentation I want to address the issue of the FA-18.

In my judgment, the committee's recommendation on the FA-18 strike fighter program is the correct action to take, given the current situation in the Persian Gulf.

Today the Navy operates a declining A-6 medium attack aircraft fleet, now at about 70 percent of projected requirements. More than half of these aircraft are grounded or flight-restricted due to age. The F-14 fighter fleet is also declining and will soon fall behind projected requirements.

Both of these aircraft are out of production as a result of past congressional actions. And the successor programs, the A-12 and the ATF, are experiencing significant delays.

Future budget likely will not permit buying these aircraft at high rates when they become available. The committee believes the risks to carrier aviation from these shortfalls and old aircraft have increased to unacceptable levels, especially in view of the Persian Gulf situation.

The FA-18 is the only aircraft in the world that can mitigate our A-6 and F-14 shortfalls and is the only aircraft carrier-based combat aircraft in production. We cannot afford not to buy our requirements at the efficient and historic rate of 84 per year. We must be prepared to replace not only FA-18 combat losses but A-6 and F-14 losses as well, should hostilities break out from Desert Shield. This is the only aircraft that can do that.

Mr. Speaker, I would just remind our colleagues that in the mark of the other body they have only 42 FA-18 aircraft. What we have done here is not unprecedented. We have plused up in many, many areas when in our own judgment we believe in the conventional sense that those areas had to be plused up.

Mr. Speaker, I think this is a responsible action on the part of the committee, and I urge all Members who are here today and those who will be voting to vote against the motion to recommit.

□ 1240

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I rise in support of this motion to recommit. As the gentleman from Wisconsin [Mr. ASPIN] said just a moment ago and has said on repeated occasions, our military people are more important than our military weapons. As a matter of fact, we all know that that represents, if all else fails, the difference in any kind of confrontation, because of the quality of our people, and our actions we hope contribute to that quality.

Mr. Speaker, this motion to recommit offers us the opportunities literally to put our money where our mouth is, to reduce the personnel cuts that have been proposed in this legislation prior to the Persian Gulf difficulties, to reduce these cuts by 28,500 Army personnel. That is what this motion to recommit is primarily about. The committee, again prior to the Persian Gulf problem, cut almost 130,000 active duty personnel, plus 65,000 civilians. That is three times what the President proposed, and it is too much all at once.

The gentleman from Alabama [Mr. DICKINSON] alluded to a recent DOD study warning that cuts of over 80,000 personnel will require that the personnel actually be "riffed" in other words, to be blunt about it, to be fired, and that is also very costly. It is also at the same time we are calling up Reserves. So at the same time we are removing people on the one hand, we are adding them with another, and it does not make any sense from a management point of view. It certainly is an expensive way to run the operation.

Even with this motion to recommit, we will be 20,000 over that 80,000 limit that the Defense Department has warned us about. We would still be cutting over 100,000 personnel in just 1 year.

Mr. Speaker, if we really mean what we say about putting our people first, then we cannot fail to pass this motion to recommit.

The second aspect of the motion is to change the 180-day limit on the length of time that Reserve units serve. By the time they are activated, outfitted, transported, and set up, they have only a short time of service remaining. That is expensive, and that is poor management. Again, it is something that we all agree upon.

The only question is the method for resolving the difference. As the gentleman from Alabama [Mr. DICKINSON] pointed out, the time to do that is now, while we can have an impact upon the situation in the Persian Gulf. Every day that we allow this situation to exist as it currently is is another day of poor management and additional expense.

Finally, the motion expresses our sense that we should be sending combat Reserves to round out the active duty forces in the gulf. Again, this is something I think all Members agree to. It is important, therefore, that we put this agreement, our sense of the Congress, into a formalized resolution such as this motion to recommit.

As the gentleman from Alabama [Mr. DICKINSON] said, this is not a partisan motion. This is a motion that can be supported by all. There is no reason for Democrats to oppose the motion simply because it is offered by the gentleman from Alabama [Mr. DICKINSON].

Mr. Speaker, this does begin to solve these problems now, rather than to allow them to fester. So I urge Members on both sides of the aisle to support the motion to recommit as a positive solution to some problems we have both identified.

Mr. ASPIN. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to the recommittal motion. I like very much what the gentleman from Alabama [Mr. DICKINSON] is doing about extending the time of a call-up for a reservist from 6 months to a year. It takes away one of the arguments of the Defense Department for not using combat Reserves.

Mr. Speaker, I did ask the gentleman from Alabama [Mr. DICKINSON] to introduce a clean recommittal bill with just the 6-month extension. I understand the problems the gentleman was having with that.

I really believe that by another method we can come up with some way to figure out how to extend the 6 months. I have talked to the gentleman from Wisconsin [Mr. ASPIN] about this, and maybe something can be worked out for this extension in the conference committee.

Mr. Speaker, I also serve on the Subcommittee on Military Personnel and Compensation as the ranking majority member. Mr. Speaker, we agreed in our caucus and in the subcommittee meeting to oppose any strength level changes that might be offered as an amendment to the bill. Basically that is what the gentleman from Alabama [Mr. DICKINSON] is doing, changing the strength levels.

Mr. Speaker, the gentleman from Wisconsin [Mr. ASPIN], the gentlewoman from Maryland [Mrs. BYRON], and myself, have assured the gentleman from Alabama [Mr. DICKINSON] that we would totally review the strength levels in conference and work with the Senate. Actually the basic disagreement is in the Army strength level. If you amend the bill today on end strengths, you really take away our negotiation position with the Senate in this area.

Another problem with the end strength recommittal bill that we are talking about now is we have added 21,000 reservists in our committee bill that is before the House today, 21,000 increase in numbers for reservists. The 21,000 was reduced back in 1990. It should be added back.

Mr. Speaker, as the gentleman from Massachusetts [Mr. MAVROULES] said, on this recommittal, this funding will be taken away from F-18 procurement and add for the Army end strength increase. What could happen in conference, they might get complicated and the Senate might want to reduce and find other places to get this money, other than from the F-18, and they might say, "Let us reduce the number of reservists that we now have in the bill by 21,000."

Mr. Speaker, the best thing to do is leave the end strength alone and if necessary work it in conference as well as the 6-month extension in conference.

Mr. Speaker, I ask that the recommittal motion be defeated.

Mr. DICKINSON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the gentleman from Mississippi [Mr. MONTGOMERY] would engage in a colloquy with me, I agree with the gentleman on what he said, and he is agreeing with me. The gentleman said if you get into conference with the Senate, they might not take the money out of the F-18; they might take it out of the Reserves, they might take it out of the Guard, or they might take it out of someplace else.

Mr. Speaker, I have designated where the money should come from, that is the add-ons of the F-18. We have got 66 in here. That is all that was asked for. These are additional add-ons that were put back by our committee that were not needed and not asked for. I have identified where the money is coming from.

Mr. Speaker, the gentleman from Mississippi [Mr. MONTGOMERY] knows if he supports this, this is not coming out of the Guard, this is not coming out of the Reserves, this is not coming out of some undesirable place. We identified it.

Mr. Speaker, the gentleman said we need to extend the time in which they can be called up. That is what my bill does. What does it do? It cuts down on the number of Army cuts, which we agree needs to be done. I have identified how to pay for it, which is an amendment that was not asked for. It is the best of all worlds, and I would hope Members would support it.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I speak today against the recommittal motion. What we have before us at this moment is a budgetary problem. It is

one that we can do nothing about insofar as this bill is concerned.

Mr. Speaker, we came before this House with a certain figure, and we did the very, very best we could in committee. I think the committee has done a superb job in crafting a good bill from a budget that frankly in my opinion does not cover the full amount that we need. But that is where we are. We cannot rewrite the budget resolution.

Mr. Speaker, in this recommittal motion the gentleman from Alabama [Mr. DICKINSON] attempts to restore some personnel figures. Quite honestly, with a cut in procurement of 18 percent, with a cut in seapower of 18 percent, both of these figures from last year, I think we have done a pretty good job.

We did favor the personnel as very best we could. On top of it, the money would be taken from the F-18, which, Mr. Speaker, is the only U.S. Navy airplane in production today. I think that would be an unwise move.

Mr. Speaker, I think we should look forward to conference, hopefully with additional funds. It would be my first priority to look at the personnel aspect in conference, and hopefully we could correct any problem. But we have a budgetary problem today that we just cannot fix as a result of the figures that were given to us, lo, those many months ago in the budget resolution.

□ 1250

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just thank the gentleman from Missouri for his comments and also the gentleman from Mississippi for his comments.

The problem with the motion of the gentleman from Alabama is that it is not an honest Injun budget neutral amendment.

The gentleman from Alabama said why did we not add, and the gentleman from Virginia [Mr. BATEMAN] said why did we not add the personnel strength back when we had the money from the SDI and from the DDG-51. The problem is that the outlays from those cuts are very, very small. The outlay addition from the add-back of the troops is very, very high. Personnel is high outlays; procurement and R&D is lower outlays. SDI, the outlay numbers are very low. We have saved very little outlays from a $600 billion cut in SDI. We have saved almost no outlays from a $348 million cut in the shipbuilding program.

The gentleman wanted to know why we did not add the troops back in. We could not add the troops back in. The troops are high outlay, and the only way we can deal with the troop issue is to do it in conference.

I would also point out that the gentleman's amendment is not outlay neutral. The gentleman has cut procurement in the F-16 or F-18 account. That gets the BA, but it does not get the outlays. He added back the troops, which is the same BA number, but not the same outlay number.

In other words, if the gentleman really wants to do something with the troop levels, and I suspect we are going to do something with the troop levels when we get into conference, but we need to go and find some outlays somewhere to do something about the troop levels. Maybe we will get some outlays when this economic summit gets us a different number, or maybe we will get the outlays when we get to a budget compromise on the numbers, when we get to the Senate numbers. But if we are going to deal with the personnel issue, we have to deal with outlays, and we ain't got outlays. We did not get outlays from the Bennett cut, we did not get outlays from the Cheney decision to do without one of those DDG's. We did not get outlays from cutting the F-18's.

We have to get outlays from somewhere if we are going to honestly add back those troops. I think that was the decision that forced us to this decision to cut these troops. We would like to add back some of those troops, and I suspect we will do it in conference, but we are not doing it with this amendment.

This is not an honest amendment in budgetary terms.

Let me also point out that the issue of the callup and the extension of the Reserves is an important issue. The gentleman from Mississippi has raised that issue long before today, and I think we need to get into a discussion with the administration of how best to do that.

There are two ways in which we can have Reserves called up for a long enough time to deploy them to the gulf. One is to have the Congress approve an extension of the callup period, as the gentleman from Alabama has in his amendment, and if that turns out to be the best thing, we may end up coming back from conference with that. But there is another way to do it, and that is to sign an Executive order declaring a national emergency, and the calling up of the troops under that provision. In that case he has the authority to call up the Reserves for 24 months. He does not need any further extension from Congress.

It is the opinion of the legal people, the legal department of the Armed Services Committee that, in fact, he has already signed that legislation when he signed legislation to seize the Kuwaiti assets and he had to declare a national emergency. The President has already signed that. We believe, or at least the members of the Armed Services Committee staff believe he may have already signed the requisite legislation to have the Reserves on duty for more than just 180 days.

Anyway, this all needs to be worked out, and the chance of going into this in conference with the Senate gives us the opportunity to enter into a dialog with the administration, because whenever we are in conference we are also discussing things with the administration, on how to do this.

So I think the gentleman from Alabama has some ideas here. One of them I think we are better off dealing with in the conference, which is the callup of the Reserves. The other one he flatly does not deal with, which is he does not get enough outlays in order to get the money for the troop callup that he wants to have.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me say to my colleague from Alabama [Mr. DICKINSON], that I have to rise in opposition to his motion to recommit. I know the gentleman's concern about the end strength reductions contained in the committee reported bill, but I do not believe we ought to allow the Pentagon to use Operation Desert Shield as an excuse to backslide on the active duty end strength cuts approved by the committee with some difficulty. I have not heard that Mr. Cheney has any objection to a 25 percent force reduction by 1995. That is about half a million troops.

My Subcommittee on Personnel will be the one who will benefit from the gentleman's amendment. But we simply cannot get there from here in any sort of orderly fashion without taking a decisive first step in 1991.

As the gentleman knows, we have language in this bill that states that no voluntary separations of career enlisted will occur in 1991. Some are looking to Operation Desert Shield as justification for business as usual, and the initial feedback from that deployment in fact validates the committee's original decision to reduce the size of our forces in Europe and to place increased emphasis on the Guard and Reserve.

I think it is interesting to note that with over 300,000 Army and Air Force personnel in Europe, the overwhelming majority of Army and Air Force units deployed to Saudi Arabia have come from the United States, not from Europe. If we have not used these forces for an operation the size and scope of Desert Shield, then clearly can we not begin to draw some of them down?

At this point in time I do not think any of us knows the size or the length of our commitment in the Persian Gulf. I fully recognize the stress that

an extended deployment could place on the personnel system, and as the gentleman knows, we are going to closely monitor that situation for further adjustments that may be required, in conference, in a supplemental or next year in our authorization cycle.

Let me simply say that the extraordinary budget pressures we face for the foreseeable future, the difficulties that the budget summiteers are having makes it so evident to all of us that we need to begin to ramp down toward a smaller but very capable force by 1995. I urge my colleagues to support the committee's bill and defeat the motion to recommit of the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I yield myself 1 minute just in order to reply in part to my chairman.

The chairman gets up and he makes the statement that this is not revenue neutral, as if his add-backs were revenue neutral. The chairman has added back three MHC mine hunters at $290 million and fast sealift ships at $250 million.

These spend-outs are only 4 percent for the first year. So it does not make any sense. We can swap figures all we want to.

First off, we are not bound by the outlay figure. We normally deal with the budget authority. We try to comply, but you are adding back ships, you added back in slow spenders. Just the F-18 program that I am using is only one account, which were all add-ons by our committee. It affects nothing else.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, the gentleman is not correct about the amendment I offered previously that the Congress voted for.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, it seems a little strange to me that we would be entering into this kind of a serious debate, and that there would be opposition to a motion to recommit that almost all of which seems to be agreeable, and yes, we are going to try and deal with it and get that done in conference.

The conference that is upcoming on this bill will be a difficult enough conference without us making it more difficult by the failure to engraft into the bill the things which the motion to recommit would do.

□ 1300

I do not believe you can make a cogent argument that it is undersirable to add back some of the decrease in the Army end strength; 68,500 is too large. It was too large when we were forced to use that figure when we originally marked up the bill. It is certainly clearly much too large in light of Operation Desert Shield.

I hear the comment on the floor about the number of troops deployed in Europe and that we can bring them back and that we can reduce the size of the Army. I do not disagree with any of that. But you are not going to reduce the Army and decide which ones to kick out by simply looking at those who are presently assigned in Europe or presently assigned in Korea or Japan or elsewhere. You cannot manage the Army's force structure by looking at where the components of that force happen to be physically assigned at a given point in time.

If we do this, we are going to force the Army to kick out of the Army people who went into it voluntarily, serving admirably and with the intent to have served for a full career. We have very fine provisions that I am proud to have been associated with to lighten the blow to these people, but certainly in the interests of our national security, in the interests of being able to manage an orderly drawdown of our forces, we should not require a drawdown this significant in fiscal year 1991.

It does not impress me one iota to say let us address this in conference. We will have to address many things in conference. Why add that to it? Why should we, because one set of lawyers says A and one set of lawyers says B, not go ahead in this body today and put into this bill the policy with respect to the 180-day extension that no one has murmured a word of disagreement with.

If we are in total agreement on that, let us get it done. I know of no dissent from doing it. So why not take this uncontentious, nonpartisan motion to recommit that improves the bill, makes the conference easier and get about doing what the Nation's security should require of us.

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond to the gentleman from Virginia, because a lot of the things that the gentleman from Virginia is saying I do not quarrel with.

The problem is he has not proposed a solution. The difficulty we have and the reason the committee ended up with a rather large cut in the military personnel account was because we had an outlay squeeze.

How are we now going to fix that? Well, we could, No. 1, which is what we were hoping for, is to get an economic summit agreement which comes up with some more money. If we had had an economic summit agreement which came up with some more money, say on the order of $1 billion or $2 billion in outlays, we could have done that when my amendment reconciled the new budget numbers with our bill. That never happened.

The other way we could do it is, of course, through cuts on the floor that would give enough money to add some more money to the personnel account, to add more troops. We have not had those amendments. The amendments which passed, the cut in the SDI and the cut in the one ship, do not give you the outlays to add to the troops.

I would point out that the amendment offered by the gentleman from Alabama to cut the F-18's does not give you the amount of outlays in order to add to the troops.

The gentleman from Alabama is just flat wrong when he says that the amendment that I offered was not consistent. It was consistent in both budget authority and outlays and checked by CBO. The decreases were $600 million in SDI budget authority and $348 million in DDG-51 budget authority. The cuts in outlays, however, were only $334 million, because SDI, and especially shipbuilding, do not have very high outlay rates. The adds that we made exactly equaled the cuts both in terms of budget authority and in terms of outlays. It is the integrity of the process that you have to do that. I would have liked to, as the gentleman said in his earlier statement, one of the things we might have done was to add to personnel. That was the first thing I looked at. The problem is we do not have enough outlays. If you get the outlays, you can do something on the personnel. Without the outlays, you cannot do something on the personnel.

The amendment offered by the gentleman from Alabama does not get any more outlays than the cut in the SDI and the DDG-51 gets you, so there is the problem. We did not get a budget summit which gave us more outlays. We did not get any cuts in the process which give us more outlays.

There is one more possibility, and that is that the conference with the Senate, when the two numbers are far apart, that some kind of a number will come up, something in between, that would settle the issue, because we will get more outlays by a conference with the Senate.

So the gentleman does not like doing a conference. I do not like doing it with a conference either. I would have preferred and, frankly, when we began the bill on the floor, I expected that before we finished the bill on the floor we would have had an economic summit that would have determined what our number was for defense, both budget authority and outlays, not just for 1991, but for the next few years ahead. I though that at some point we would have a nice add-on amendment that would make our

numbers consistent with those. That has not happened.

Unfortunately, we are in no position to deal with the issue that the gentleman from Virginia raises.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I thank the gentleman, the chairman, for yielding.

Mr. Speaker, I simply would like to point out, and I think the chairman would agree with me on this, that there are differences between the budget authority and outlay figures in the Senate-passed bill and our bill. We inevitably, in the conference, are going to have to address those differences and to make adjustments.

Why is it so wrong for this House to do the paramount thing and add back some of the Army end strength that is lost in view of the fact that we inevitably have to adjust outlay and budget authority figures? Why do we not go to the Senate with a paramount position of the House on the basis of paramount priorities if we really believe that people the priority?

Mr. ASPIN. The problem is that we would be going beyond the budget resolution in terms of defense. We have never been able to do that in this House.

The gentleman from Alabama is correct. There is no reason why the House authorizing committees have to abide by the budget resolution, and that was put into the Budget Act as it was originally passed back in 1974 or 1975, or whenever it happened.

The fact of the matter is, as a political necessity, we have to abide, because the House will not vote for a budget resolution or a House authorization bill greater than the budget resolution.

Mr. BATEMAN. The House has not been put to that test.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time.

Mr. Speaker, I must say, as a member of the summit, I agree with the chairman, the gentleman from Wisconsin [Mr. ASPIN], that I wish we had an economic summit agreement, but we do not, and we are where we are.

I watch with admiration and awe as the chairman, the gentleman from Wisconsin [Mr. ASPIN], dances a little bit like a whirling dervish in correctly laying out where he finds himself. On the one hand, as a member of the Democratic caucus, he has supported a budget which creates an absurdly low defense number. Then, as the chairman, created thus by the Democratic caucus, he must bring to the floor a bill which is clearly untenable, but which he can point out with the right hand he really wishes his left hand had not voted for in the budget caucus, but since his left hand did vote for it in the budget caucus, he must now offer it even though he agrees and knows full well intellectually that it is absurd.

I do not object to that. That is just politics as usual. What I find fascinating are two things: the first is that despite Saddam Hussein, despite all of the visible proof that the world is dangerous, the House Democrats are rushing back to the weakness of the 1970's.

Mr. Speaker, this package and the 5-year projection of the Committee on the Budget Democrats on defense are clearly levels of weakness that even Jimmy Carter by 1980 had discovered were not sustainable. That is my first observation.

My second observation is much more immediate and much more human. They are young men and women sitting in Saudi Arabia trying to defend their country, working in 145-degree temperatures on runways, working in 128-degree temperatures in the desert, willing, if necessary, to die for their country.

What message is the House going to send them today? It is going to send them the message that pork barrel in the form of F-18's is more important than human beings. It is going to send them the message that partisan ideology is more important than human beings. It is going to send them the message that at a time that the Army is the primary provider of troop strength in Saudi Arabia, we are going to cut the Army by 10 percent.

I think that at a purely human level that is an extraordinarily bad message.

Mr. Speaker, I want to commend the gentleman from Alabama [Mr. DICKINSON] for offering a motion to recommit that puts it where it ought to be.

□ 1310

This is a chance to vote yes for Dickinson and say that human beings, and especially human beings in uniform serving their country in the Middle East deserve a vote by the House; or to vote no, and say once again on behalf of political pork barrel we will do the things to make sure that some politicians are taken care of. But we are not, in fact, going to take care of the men and women who are serving their country.

So I simply want to take this moment to say that I think it is extraordinary that we would send a message to Saddam Hussein and other future aggressors, that there is no threat large enough to get the House Democrats to rethink their defense posture and to say to the young men and women in uniform that some Members understand the risks they are taking, and some Members want to vote to give them a stable service to work, and some Members want to reassure them that, in fact, we care about them as human beings.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I, like the gentleman, voted against the budget resolution. However, the budget resolution passed, and this is the best that we could do under the constraints that we had of the budget resolution. I think we did our best. As it was, in an attempt to favor the President as much as we could, we had to cut the two procurements.

Mr. GINGRICH. Let me say to my friend in all seriousness, the fact is that this was domestic pork barrel, the Committee on Rules would waive the budget resolution because they waived the Budget Act all the time when they wanted to. The fact is that the House, the House Democrats could bring a different resolution to the floor. We are not trapped to voting today on the spending cut in defense.

The SPEAKER pro tempore (Mr. DONNELLY). The gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining and the gentleman from Wisconsin [Mr. ASPIN] has 1½ minutes remaining.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the very distinguished and capable gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, let Members bring the focus back, please, very specifically, to the motion to recommit, and why I rise in support of the motion.

Now, just a quick story. It is hard to do within 2 minutes, but I remember a gentleman from up in your part of the woods next door, the gentleman from Minnesota [Mr. VENTO], getting in this well in 1980 and saying that FA could not fly and never would fly. That is a fact, Jack. I had to come in the well, not to embarrass him, afterward, and say, "Gee, that's funny. I just flew in it the day before yesterday, and so has Jim Lloyd," gone since 1980. So, the FA has come a long way. It was designed in the gentleman from California, Mr. ANDERSON's district at Hawthorne as the F-17, and lost to the F-16, and the Swiss know how good it is because they competed against the 16, and the French Mirage 2000, and it won. I know what is made in Massachusetts. I know what a great State Missouri is, but let Members face it. To add on the $437 million over and above the 66 FA teams, we were already getting about $2 billion, that is something the military did not ask for. That is micromanagement.

To shut down 68,500 men in the U.S. Army is the greatest plant closing

since the Great Depression. This is too big a chunk of people. I love FA teams. I hope we buy the numbers in the end strength that we are talking about here. I hope we all reach the end strength that Mr. Cheney wants in 5 years, but this is a savage cut of the U.S. Army.

Now, as far as the Reserves are concerned, I want to quote a great Alabamian, Earl Dove, a supporter of Mr. DICKINSON's, referring to something else, but it applies to our Reserves, our Reserves and Guards are "springloaded in the haul-ass position." That is like a donkey. They are springloaded to go, and they should go. But in this recommit motion of the gentleman from Alabama [Mr. DICKINSON] we have the instrument to give the President the time to utilize our combat units, with one footnote. The Air Guard units and the Air Reserve units do not need 180 days. They need 10 hours, because they already go over there on regular mobility moves.

So let Members vote for the motion to recommit.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to a very distinguished ranking member on the Subcommittee on Military Installations and Facilities, the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Speaker, I will have to concede that this motion to recommit is probably imperfect, which certainly does not make it unique when considered with our Department of Defense bill which is certainly imperfect.

A couple of things I would like to reflect on. The gentleman from Massachusetts [Mr. MAVROULES] made some good points about the FA team, but I would like to disabuse Members of the idea that somehow if this passes, the FA team flight line is going to shut down. It just will not. I am in high hopes, along with the gentleman, that sooner or later, between this body, the other body, and the Pentagon, they will understand that naval aviation has to be a priority. I think that is going to happen. I have to believe it is going to happen. It is not going to shut down the FA team line.

For some Members in the Chamber who have had a few phone calls from mothers and fathers and people who thought they were going to be lieutenants, or people who thought they were going to be inducted into the Army or the Air Force or the Marine Corps, those Members have not seen anything yet. For them to try to absorb 130,000 end strength cuts in one year is just too much. This motion to recommit is the right thing to do. When we lose those people, we are not going to get another generation that is going to do anything other than say, "Tell me the one, again, about how you said you respected people. Tell me the one again about how were going to live up to your commitment in the contract."

Please, we have heard the chairman and everyone else speak that it is the right thing to do. Let Members do it. Let Members be responsible. We cannot take this cut in end strength at this time. It is not going to shut down the FA team line, which we are going to need as this administration and this Congress continues to cut back on naval aviation.

Mr. DICKINSON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in support of the motion to recommit. In my 20 years in this body, I have seen many authorization bills come and go. But I have never felt compelled, as strongly as I do today, to vote against one.

This bill is not the beginning of the responsible build down of our Armed Forces which our country needs, but a reckless tearing down of our national defense, from which we will not recover for many years to come. And it is not a visionary response to changing realities, as some would have you believe, but a very shortsighted response to our hopes of what the world will someday be.

No one can deny the changes we have seen in the Soviet Union and Eastern Europe. I do not, and I thank God for them, and the great hope they represent for our country and the world. But we must not tip the balance too far, too soon, in favor of hopes and intentions, and away from realities and capabilities. And what are those realities and capabilities? The Department of Defense has acknowledged that without further modernization, nearly 40 percent of our total strategic forces, our minuteman ICBM's and B-52 bombers, will be between 20 and 40 years old by the year 2000. By contrast, most of the Soviet strategic forces, their land and sea-based ICBM's and bombers, will have been deployed during the 1990's. And the outrageous acts of aggression by Saddam Hussein serve as a most unpleasant reminder of two other realities. First, that the conventional threats to our vital interests and to our allies are still very real. And, second, that, as much as we would like to believe we can, we cannot legislate away, or otherwise prevent, the proliferation of advanced technology weapons into the Third World.

But despite these realities, this bill underfunds or terminates many of programs needed to modernize our strategic and conventional systems. I cannot, in good conscience, vote for such a bill. I cannot, in good conscience, tell our Armed Forces that they must face tomorrow's threats with yesterday's weapons.

Mr. ASPIN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I would like this opportunity to clear the air. There was a quote attributed to the minority whip this morning, referring to the budget summit. He referred to it as "baloney."

While his reference on the FA team as being a pork barrel project, to him I say, "Baloney," because it is totally untrue. The one thing that we have to keep in mind here, it is the only combat aircraft in production today within our system. All others are shut down or delayed. Keep that in mind.

Mr. ASPIN. Mr. Speaker, I yield myself the balance of my time, and let me just finish by saying that I am sorry the minority whip is not here, the gentleman from Georgia [Mr. GINGRICH] because I wanted to thank him for getting more votes on our side on the motion to recommit than any speaker we could offer up.

I would like to say that this bill is a very good bill, and I think the proof of that is the rather desultory performance by the other side in offering amendments to this bill that they could have offered, and did not offer. I think that a lot of shouting and screaming here at the end does not change the fact that they had nothing to offer during most of this bill on how to change it and how to improve it.

□ 1320

I would say finally that the motion to recommit of the gentleman from Alabama does not cut it. You have to get outlays if you are going to add personnel. The amendment by the gentleman from Alabama [Mr. DICKINSON] does not get the outlays and he cannot add the personnel.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DICKINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 156, nays 254, not voting 22, as follows:

[Roll No. 351]

YEAS—156

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehlert
Broomfield
Brown (CO)
Bunning
Burton
Callahan
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grant
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Lent
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Porter
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NAYS—254

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Grandy
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Roth
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Sensenbrenner
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (VT)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—22

AuCoin
Bilirakis
Boxer
DeFazio
Feighan
Frank
Gordon
Horton
Ireland
Leath (TX)
Lewis (CA)
Matsui
McDade
Pursell
Quillen
Robinson
Schumer
Smith (FL)
Towns
Traxler
Unsoeld
Watkins

□ 1339

The Clerk announced the following pairs:

On this vote:

Mr. Quillen for, with Mr. AuCoin against.

Mr. Robinson for, with Mrs. Unsoeld against.

Mr. Ireland for, with Mr. Frank against.

Mr. Pursell for, with Mr. Horton against.

Messrs. SENSENBRENNER, PETRI, DICKS, and SAVAGE changed their vote from "yea" to "nay."

Mr. DANNEMEYER changed his vote from "nay" to "yea."

Mr. SCHULZE changed his vote from "present" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Speaker, the House voted on final passage of H.R. 4739, the Defense authorization bill.

Because of the upcoming religious holiday, I was required to leave the floor early and was unable to vote. Had I been present, I would have voted for the passage of this important legislation and against the motion to recommit.

□ 1340

THE PRESIDENT IS GOING TO VETO IT

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

Mr. DICKINSON. Mr. Speaker, I said, at the beginning of this debate, that I did not think it was a very good bill and that I hope we would improve it.

I would like to say that I am going to vote against the bill on final passage. Secretary Cheney said he would recommend a veto for the following reasons:

Strategic deterrence has been undermined even though the Soviet nuclear threat has in no way abated. We have terminated the B-2, we have terminated rail garrison procurement, we have cut SDI in half. Manpower has been cut by 129,000; this we cannot live with because it is unexecutable. At the same time we are calling up the Guard and Reserve.

The conventional modernization program has been scaled back in the AMRAAM, the A-12, the ATF, the LH programs. Unrequested procurement has been added, such as the FA-18 add-ons, the F-15, V-22, the C-20. Delays on base closure recommendations make it unable for us to carry forward our base realignment requirements. Dual basing restrictions put America on a path toward isolationism. This is a bad bill. Mr. Speaker, I am telling my colleagues it should be voted down. I am going to vote it down, and I would ask all my colleagues to vote "no" on it, because the President is going to veto the bill.

The SPEAKER pro tempore (Mr. BEILENSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members are reminded that they have 5 minutes in which to vote.

The vote was taken by electronic device, and there were—ayes 256, noes 155, not voting 21, as follows:

[Roll No. 352]

AYES—256

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Brennan
Brooks
Browder
Brown (CA)

Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Condit
Conte
Cooper
Costello
Coughlin
Coyne
Darden
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hopkins
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ravenel
Ray
Regula
Richardson
Ridge
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Scheuer
Schneider
Schroeder
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yatron

NOES—155

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bentley
Bereuter
Bliley
Broomfield
Brown (CO)
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clay
Clinger
Coble
Coleman (MO)
Collins
Combest
Conyers
Courter
Cox
Craig
Crane
Crockett
Dannemeyer
Davis
DeLay
Dellums
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (CA)
Edwards (OK)
Fawell
Fields
Fish
Flake
Frenzel
Gallegly
Gallo
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Henry
Herger
Hiler
Holloway
Hunter
Hyde
Inhofe
Johnson (CT)
Kastenmeier
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Myers
Nielson
Owens (NY)
Oxley
Packard
Parris
Pashayan
Paxon
Payne (NJ)
Petri
Rangel
Rhodes
Rinaldo
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roybal
Savage
Saxton
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Serrano
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Spence
Stangeland
Stearns
Stokes
Stump
Sundquist
Tauke
Thomas (CA)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Washington
Weber
Whittaker
Williams
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—21

AuCoin
Bilirakis
Boxer
DeFazio
Frank
Horton
Ireland
Leath (TX)
Matsui
McDade
Pursell
Quillen
Ritter
Robinson
Schumer
Smith (FL)
Towns
Traxler
Unsoeld
Watkins
Yates

□ 1351

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. Quillen against.

Mrs. Unsoeld for, with Mr. Robinson against.

Mr. Horton for, with Mr. Pursell against.

Mr. Ireland for, with Mr. McDade against.

Mr. GUNDERSON changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPIN. 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. 4739, the bill just passed.

The SPEAKER pro tempore (Mr. Beilenson). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, the Clerk be authorized to make such clerical and technical corrections, including corrections in the table of contents, title and section numbers and cross-references, as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL EXPLANATION

Mr. FAZIO. Mr. Speaker, during the vote on final passage of the Defense authorization for 1991, I was required to remain in the chair of the Interior Committee. Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4532 AND H.R. 5560

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of two bills, H.R. 4532 and H.R. 5560.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4450, COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS OF 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-718) on the resolution (H. Res. 468) providing for the consideration of the bill (H.R. 4450) to improve management of the coastal zone and enhance environment protection of coastal zone resources, by reauthorizing and amending the Coastal Zone Management Act of 1972, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5314, WATER RESOURCES DEVELOPMENT ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-719) on the resolution (H. Res. 469) providing for the consideration of the bill (H.R. 5314) to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON S. 2830, FOOD AND AGRICULTURAL RESOURCES ACT OF 1990

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2830) 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 to consumers an abundance of food and fiber at reasonable prices, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. DREIER OF CALIFORNIA

Mr. DREIER of California. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DREIER of California moves that managers on the part of the House at the conference on the disagreeing votes of the two sides on the House amendments to the bill S. 2830 be instructed to agree to that section of the Senate bill that was added by amendment No. 2389, relating to restrictions on extensions of credit by United States financial institutions to the Soviet Union.

Mr. DREIER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER] is recognized for 30 minutes.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion is to instruct our conferees on the farm bill to accept the language included in the Senate bill, S. 2830, regarding loans by federally insured financial institutions to the U.S.S.R.

The CONGRESSIONAL RECORD for Friday, July 27, 1990, reports that the Senate voted to prohibit United States financial institutions, whose deposits are insured by the United States taxpayer, from extending credit to the Soviet Union at interest rates below those offered to American farmers.

A bipartisan majority of the Senate voted to include this provision, 64-32.

My motion today simply instructs the House conferees to accept the provision during the conference on the farm bill.

I want to hasten to add that this provision would not stop the U.S.S.R. from buying American agricultural products with below market financing, and it would not in any way affect the food programs to the U.S.S.R. currently contained in the House bill. It would not adversely affect the American farmers' ability to sell their agricultural products to the U.S.S.R.

This provision would simply prevent banks and other federally insured financial institutions from giving Ivan Ivanov a better deal than Joe U.S. farmer.

For instance, in 1987, First Chicago Bank arranged a $200 million loan to the U.S.S.R. at only a small percentage above the cost of the loan with no principal payments for 6 years.

Our farmers currently pay an average of 11-11.5 percent on loans secured by a farm or ranch. Soviets, however, often get loans at as low as 6 percent. I submit that hard-working Americans are far better credit risks than the bankrupt Soviet economy.

I commend to my colleagues' attention just one of several recent articles on the imminent collapse of the Soviet economy. The July 27 edition of the Wall Street Journal contains an article by Marshall Goldman of the Harvard University Russian Research Center titled "Soviet Economy Heads for a Crash." Anyone reading this article would have to conclude that now is not the time for United States banks to be giving cut rate loans to the Soviets, while preventing United States citizens from having the same opportunity.

The Soviets are already $4.3 billion in arrears in debt payments to the West. We now have the opportunity to protect our taxpayers from the liability of another huge bailout of our financial system.

Some estimate that the savings and loan crisis will require a $500 billion taxpayer-funded bailout. In the future, it is possible that United States taxpayers could be asked to do the same for Soviet lending gone bad.

Let us not gamble with taxpayer-insured deposits again.

Let us show the American people that the House and Senate acted together to protect the taxpayer, and ensure fairness for our American farmers.

Mr. SCHUETTE. Mr. Speaker, I strongly support the Roth-Dreier motion to instruct conferees to recede to the Senate provision regarding preferential lending to the Soviet Union. Giving such special treatment to our competitors is an insult to our U.S. farmers.

American agriculture has only recently regained some of the export market it lost in the early 1980's because of similar ludicruous, anti-American policies. The market our producers must compete in is not rosy. For them to succeed, our assistance is needed.

Some United States banks have loaned money to the Soviets at as little as 6.4 percent. The best interest rate our producers can get is 11 percent for loans. Soviets shouldn't receive loans at a better rate than United States farmers receive. The Roth-Dreier amendment does achieve an equitable loan rate between Soviet and United States agriculture producers by prohibiting United States financial institutions, whose deposits are insured by the taxpayers, from extending credit to the U.S.S.R. at rates lower than those available to United States farmers.

Mr. Speaker, I strongly support this motion. The Soviets should not be helped at the expense of our own producers.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, I yield back the time allotted to me.

Mr. DREIER of California. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from California [Mr. DREIER].

The preferential motion was agreed to.

The SPEAKER pro tempore. The Chair will appoint conferees when the Speaker returns.

APPOINTMENT OF CONFEREES ON S. 566, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1990

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 566) to authorize a new Housing Opportunities Partnership Program to support State and local strategies for achieving more affordable housing; to increase homeownership; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. BARNARD. Mr. Speaker, reserving the right to object, I take this time for the purpose of asking the chairman of the committee, if I may, some particular questions with reference to the conferees.

Mr. Chairman, I notice that the conferees include some who did not support some of the more important provisions that were passed, and my question is this: Does the gentleman intend to insist on the Carper-Price amendment which was passed by approximately 409 votes on the House floor?

Mr. GONZALEZ. Mr. Speaker, as I have said before, when we have handled a committee-approved bill on the House floor, I look upon the task as the chairman of the committee to be to safeguard the integrity of the actions of the committee on the House floor, and it would be my intention to do the same thing to the utmost with respect to the committee and House-approved version of the bill when we go to conference. Of course, the gentleman recognizes that this is a reconciliation process.

Mr. BARNARD. Mr. Speaker, I recognize that, I say to the committee chairman, but it was noticeable that some of the conferees were very much opposed to some of it and were not supportive of some of the sections of the bill.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield further to me, every one of the conferees was opposed to some part of it or some action of the majority either in the committee or on the House floor, and the conferees were not designated on that basis. We followed the rules.

Mr. BARNARD. Mr. Speaker, can the gentleman tell us how the conferees were selected?

□ 1400

Mr. GONZALEZ. Mr. Speaker, in accordance with the rules, we tried to keep the top-level senior members, so far as possible, and then to those members that had substantial imput in the structure of the bill during the committee and on the House floor, but mostly committee. For instance, every one of the members we suggested that the Speaker name has either a title of the bill or has a substantial portion of the bill that their amendment added to.

Mr. BARNARD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs: Mr. GONZALEZ, Ms. OAKAR, Messrs. VENTO, SCHUMER, FRANK, TORRES, KENNEDY, MCDERMOTT, and WYLIE, Mrs. ROUKEMA, and Messrs. HILER, RIDGE, and BARTLETT.

From the Committee on Ways and Means, for consideration of section 110 of the Senate bill and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, STARK, JACOBS, FORD of Tenneseee, JENKINS, DOWNEY, ARCHER, VANDER JAGT, CRANE, FRENZEL, and SCHULZE.

From the Committee on Education and Labor, for consideration of sections 1006 and 1008 and subtitles D through G of title XIII of the Senate bill and section 768 of the House amendment and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, MURPHY, KILDEE, WILLIAMS, MARTINEZ, OWENS of New York, SAWYER, GOODLING, PETRI, GUNDERSON, TAUKE, and SMITH of Vermont.

From the Committee on Energy and Commerce, for consideration of title XIV of the Senate bill and modifications committed to conference: Messrs. DINGELL, MARKEY, and SWIFT, Mrs. COLLINS, and Messrs. SYNAR, TAUZIN, HALL of Texas, ECKART, LENT, RINALDO, MOORHEAD, RITTER, and BLILEY.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO FILE REPORT ON H.R. 2840, COASTAL BARRIER IMPROVEMENT ACT OF 1989

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs have until 6 p.m. tonight to file a report on H.R. 2840, Coastal Barrier Improvement Act.

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

There was no objection.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO FILE REPORT ON H.R. 5422, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence be given until 6 p.m. tonight, September 19, 1990, to file the report to accompany H.R. 5422, the Intelligence Authorization Act for fiscal year 1991.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2830, FOOD AND AGRICULTURAL RESOURCES ACT OF 1990

The SPEAKER. Under a previous order of the House, the Chair appoints the following conferees and, without objection, the Chair reserves the right to appoint additional conferees:

Assignment of Committee on Agriculture Conferees on S. 2830: Messrs. Mr. DE LA GARZA, BROWN of California, ROSE, ENGLISH, HUCKABY, GLICKMAN, STENHOLM, VOLKMER, and HATCHER.

Mr. PANETTA for subtitle G of title XII, title XIV (except § 1414 and subtitles C and D), and title XVII of the House amendment, and title XVII (except section 1730), subtitle I of title XIX, section 1973, subtitle G of title XXI, and title XXIV of the Senate bill.

Mr. STALLINGS in lieu of Mr. PANETTA, for titles II, XXVIII, and XXIX of the House amendment and title IX, title XIII (except section 1303), and subtitle B of title XX of the Senate bill.

Mr. OLIN in lieu of Mr. PANETTA, for title IV, title XIII (except for subtitle H), subtitle D of title XIV, and section 1843 of the House amendment and title I, section 1283, title XIV (except section 1496), and title XVI of the Senate bill.

Mr. JOHNSON of South Dakota in lieu of Mr. PANETTA for title V (except section 502) and subtitle A of title VI of the House amendment and title II and subtitle C of title X of the Senate bill.

Ms. LONG in lieu of Mr. PANETTA, for title X, title XI (except section 1109), section 1215, and subtitle A of title VII of the House amendment, and for title IV, title VIII, title X (except subtitle C), section 301 (insofar as it adds a new section 107A(e)(4)(E) to the Agricultural Act of 1949), section 501 (insofar as it adds a new section 103A(e)(4)(D) to the Agricultural Act of 1949), and section 601 (insofar as it adds a new section 101A(e)(4)(D) to the Agricultural Act of 1949).

Mr. DYSON in lieu of Mr. PANETTA for section 502, subtitle 5 of title VI, subtitle B of title VII, section 1414, subtitle C of title XIV, and section 1730 of the Senate bill.

Mr. LANCASTER in lieu of Mr. PANETTA for title VIII of the House amendment and title VII of the Senate bill.

Mr. JONTZ in lieu of Mr. PANETTA for subtitle A of title XVIII, and section 1508 of the House amendment, and subtitle B of title XIX and title XVIII of the Senate Bill.

Mr. CONDIT in lieu of Mr. PANETTA for section 1109, title XII (except section 1215 and subtitle G), and section 1833 of the House amendment and title XI (except subtitle E), section 1551, and title XXIII of the Senate bill.

Mr. HARRIS in lieu of Mr. PANETTA for title XV (except for section 1508) and title XXVII of the House amendment and title XV (except section 1551) of the Senate bill.

Mr. ESPY in lieu of Mr. PANETTA for title III of the House amendment, and title VI (except new section

101A(e)(4)(D) of the Agricultural Act of 1949, as added by section 601), and subtitle K of title XIX of the Senate bill.

Mr. SARPALIUS in lieu of Mr. PANETTA for titles I, IX, and XXX of the House amendment and title III (except new section 107A(e)(4)(E) of the Agricultural Act of 1949, as added by section 301), title V (except new section 103A(e)(4)(D) of the Agricultural Act of 1949, as added by section 501), and subtitle E of title XI of the Senate bill.

Mr. PENNY in lieu of Mr. PANETTA for title XVI, section 1844, and subtitle H of title XIII of the House amendment, and title XII (except section 1283), section 1303, and subtitle A of title XIX of the Senate bill.

Mr. TALLON in lieu of Mr. PANETTA for titles XIX, XXII, XXIII, XXIV, and XXVI, and section 1857 of the House amendment, and title XX (except subtitles A, B, and F), and title XXII of the Senate bill.

Mr. STAGGERS in lieu of Mr. PANETTA for title XVIII (except subtitle A, sections 1833, 1841, 1843, 1844, and 1857), title XX, and title XXI of the House amendment and section 1496, subtitles H and J (except section 1973) of title XIX, and subtitles A and F of title XX of the Senate bill.

Mr. WISE in lieu of Mr. PANETTA for title XXV of the House amendment.

Assignment of Committee on Agriculture conferees on S. 2830: Messrs. MADIGAN, COLEMAN of Missouri, MARLENEE, STANGELAND, HOPKINS, and ROBERTS.

Mr. EMERSON in lieu of Mr. MARLENEE on section 502, title XIV, title XVII and section 1841 in lieu of Mr. HOPKINS for subtitle B of title VII and subtitle B of title VI of the House amendment and subtitles A and B of title XVII, section 1730, subtitle I of title XIX, section 1973, subtitle G of title XXI and title XXIV of the Senate bill.

Mr. MORRISON of Washington in lieu of Mr. HOPKINS on titles XV and XXVII of the House amendment and title XV (except section 1551) and subtitle B of title XIX of the Senate bill.

Mr. GUNDERSON in lieu of Mr. MARLENEE on titles IV, V (except section 502), title VI (except subtitle B) of the House amendment and titles I and II and subtitle C of title X of the Senate bill.

Mr. ROBERT F. (BOB) SMITH in lieu of Mr. HOPKINS on title IX and title XI (except section 1109) of the House amendment and title III, title X (except subtitle C) and section 301 (insofar as it adds a new section 107A(e)(4)(E) to the Agricultural Act of 1949), section 501 (insofar as it adds a new section 103A(e)(4)(D) to the Agricultural Act of 1949), and section 601 (insofar as it adds a new section 101A(e)(4)(D) to the Agricultural Act of 1949) of the Senate bill.

Mr. LEWIS of Florida in lieu of Mr. MARLENEE on title II of the House amendment and title IX of the Senate bill.

Mr. COMBEST in lieu of Mr. MARLENEE on title I of the House amendment and title V (except new section 103A(e)(4)(D) of the Agricultural Act of 1949, as added by section 501) of the Senate bill.

Mr. SCHUETTE in lieu of Mr. HOPKINS on subtitle A of title XVIII of the House amendment and title XVIII of the Senate bill.

Mr. GRANDY in lieu of Mr. HOPKINS on title X and in lieu of Mr. MARLENEE on titles XVI and XXIX and section 1857 of the House bill and title IV, title XII and title XIII of the Senate bill.

Mr. HERGER in lieu of Mr. MARLENEE on section 1109 of title XII except for subtitle G of the House amendment and title XI (except subtitle E), title XIII and section 1551 of the Senate bill.

Mr. HOLLOWAY in lieu of Mr. HOPKINS on title II of the House amendment and title VI except section 601 (insofar as it adds a new section 101A(e)(4)(D) to the Agricultural Act of 1949) of the Senate bill.

Mr. WALSH in lieu of Mr. HOPKINS on title XVIII except subtitle A of the House amendment and subtitle H (except section 1962), Subtitle J (except section 1973), and subtitle K of title XIX of the Senate bill.

Mr. GRANT in lieu of Mr. MARLENEE on title VIII of the House amendment and title VII of the Senate bill.

There was no objection.

□ 1410

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute that I might ask the distinguished majority leader the program for the balance of this week and next week.

Mr. GEPHARDT. If the gentleman will yield, at the end of this business that is left today, in which there will be no votes, we will next meet on Monday, September 24.

On that day we will meet at noon. There will be 32 bills under suspension. I will not take the time today to read each one of those bills, but they will be entered into the RECORD and any Member who would like to see the exact identity of those bills can consult the RECORD.

The list of suspensions for Monday, September 24, 1990, is as follows:

H.R. 4131, foreign contracting audit equity.

H.R. 4279, intergovernment cash management improvement.

S. 535, Federal civil penalties.

H.R. 5316, Federal Judgeship Act of 1990.

H.R. 5640, Debt Collection Procedures Act of 1990.

H.R. 5498, Copyright Amendment Act of 1990.

H.R. 5381, implementing Federal courts study commission proposals.

H.R. 3898, Civil Justice Reform Act.

H. Con. Res. 172, child custody and spousal abuse.

H.R. 2372, radiation exposure, concurring in Senate amendments.

H.R. 2006, Indian arts and crafts.

H.R. 5178, California oil and gas.

S. 1413, regarding the Maine Indian Claims Settlement Act of 1980.

H.R. 5204, to establish a tribal pilot project.

S. 2075, concerning Indian tribal governments and environment quality.

H.R. 4559, Red Rock Canyon National Conservation Area.

S. 2437, Vicksburg National Military Park.

S. 2059, Weir Farm National Historic Site.

S. 1738, conveying lands to the Rogue Community College District.

H.R. 5144, Vancouver National Historical Reserve.

H.R. 3533, Earthquake Hazards Reduction Act of 1977.

H.R. 1243, Metal Casting Competitiveness Research Act, concurring in Senate amendments.

H. Con. Res. 362, sense of Congress regarding the need for a national policy to rebuild the infrastructure of the United States.

H.R. 4323, Great Lakes Water Quality Improvement Act of 1990.

H.R. 2840, Coastal Barriers Improvement Act.

H.R. 5254, reauthorization of the Fish and Wildlife Conservation Act of 1990.

H.R. 5255, National Fish and Wildlife Foundation Establishment Act amendments of 1990.

H.R. 5264, Alaska Maritime Wildlife Refuge.

H.R. 4491, to amend the Vessel Bridge-To-Bridge Radiotelephone Act.

H.R. 5628, regarding the authorizations of issuance of District of Columbia revenue boards.

H.R. 2754, Columbus Commemorative Coin and Fellowship Act.

H.R. 3684, National Environmental Education Act.

I will say that recorded votes will be postponed on those suspensions until after consideration of all of the suspensions, and therefore Members can assume that there will not be recorded votes before 3 o'clock. It may even be later than that, but I think 3 o'clock is a safe guess for when votes might begin.

In addition we will consider the small business authorization, open rule, 1 hour of debate; the Coastal Zone Act reauthorization, open rule, 1

hour of debate; and the water projects authorization, open rule, 1 hour of debate. All three of those we will attempt to deal with on Monday.

On Tuesday, September 25, the House will meet at 10 a.m. and consider H.R. 5269, the Comprehensive Crime Control Act of 1990, subject to a rule. On that day again we will meet at 10 a.m.

On Wednesday, September 26 and Thursday, September 27, the House will meet at 10 a.m. to complete consideration of the Comprehensive Crime Control Act of 1990. We will also consider H.R. 4225, Restricted Weapons Act of 1990, subject to a rule. Then we will attempt but may not reach H.R. 4825, Arts, Humanities, and Museum Amendments of 1990 and H.R. 4300, Family Unity and Employment Opportunity Immigration Act of 1990, subject to a rule.

On Friday, September 28, the House will not be in session in observance of Yom Kippur.

Members should also be advised of possible action on a continuing resolution for fiscal year 1991 prior to the end of the fiscal year, as well as action on the debt limit which expires on Tuesday, October 2, 1990.

Obviously, the continuing resolution will undoubtedly be for a shorter time period. We are still hopeful that we will be able to reach agreement on a budget package, and that obviously will determine in large part what that continuing resolution looks like.

Conference reports may be brought up at any time.

Mr. MICHEL. I thank the gentleman. I do not recall his having mentioned that day after tomorrow will be a pro forma session for us here, will it not, in keeping with our rules?

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. So on Friday there will just be a pro forma session in keeping with what we normally have to do under House rules.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I appreciate our leader yielding. I would like to ask the distinguished majority leader about two aspects of the schedule for next week.

First, on the crime bill, it is my understanding from our side and from Republicans on the Judiciary Committee that that is a very weak bill which in current form is opposed by virtually all district attorneys around the country. I would just hope that we might have an open rule, and I wonder if the gentleman has any information yet on what the rule is likely to be like, since there seems to be a great deal of controversy about that bill?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I do not know the complete answer. I do know that it is likely to be a rule that is not completely open. But I also understand and would believe that the Committee on Rules would attempt to fashion a rule that would allow exposition of all of the positions that will be presented on the Republican side to try to accommodate those.

Mr. MICHEL. If I might underscore that, it is very important on our side because particularly in the areas of the exclusionary rule, habeas corpus, and the death penalty, at a minimum, three significant amendments, and it is my information that obviously they would like to have quadruple that number. That may be a bit unreasonable unless we went to a straight open rule, but there are these significant areas that just ought to be fully aired and debated, and I want to underscore the whip's point of view on that with respect to the feelings on our side on the crime bill.

Mr. GINGRICH. The other thing I want to raise is I notice that the addendum by the gentleman from Pennsylvania [Mr. GRAY], and his notice says that Members are advised of a possible action on a continuing resolution. And I also note that there are 32 suspensions.

I guess the question I would raise is that those of us who very much want to avoid furloughing any Federal workers, who think that it is very, very important that we in the Congress do our job because it would be clearly unfair and inappropriate to ask civil servants to take a cut in pay because Congress could not get its work done, are we, if necessary, prepared to come back next Sunday, on September 30, in order to pass a budget agreement? I would just think on our side there would be a very great opposition to a continuing resolution that avoids resolving this budget problem, and that we would encourage somehow, after 4 months of negotiations, getting to an agreement. I think if necessary we may have to be prepared to work on next Sunday, September 30, rather than start furloughing Federal workers.

I would be curious if the majority leader has any advice on that.

Mr. GEPHARDT. As the gentleman knows, we both have been engaged in this summit with the minority leader as well as others. We still very much want to reach an agreement. We are working on that now, and we hope that that can be accomplished before the end of the month, before the start of the new fiscal year, and that that budget package could be brought onto the floor in a timely manner to avoid sequestration.

Obviously, if it takes a Sunday session, or whatever it takes, we would entertain that thought.

Mr. GINGRICH. I thank both gentlemen.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 21, 1990 TO MONDAY, SEPTEMBER 24, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 21, 1990, it adjourn to meet at noon on Monday, September 24, 1990.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 25, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 24, 1990, it adjourn to meet at 10 a.m. on Tuesday, September 25, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO FRIDAY, SEPTEMBER 21, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. on Friday, September 21, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1420

WHAT KIND OF ECONOMIC REVITALIZATION IS THIS?

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

Mr. GLICKMAN. Mr. Speaker, in 12 days, hamburgers could be burger-less Chicken McNuggets could be chicken-less, and the air traffic control system

could be control-less. Why? Apparently so that the highest income of the President's buddies can pay less taxes on capital gains, and do so as a result of a package that ironically calls for deficit reduction.

In 12 days, the ax of sequestration will fall. Because of the very large across-the-board cuts our food processing system could come to a halt, our transportation network might be crippled, but the tax shelter industry will come to life. What kind of plan for economic revitalization is this?

Now is not the time to be passing out more goodies at the expense of the average, working American. Mr. President, burden sharing means more than just getting our allies to help with our resistance to Saddam Hussein. Burden sharing also means making sure the weight of controlling the deficit falls fairly on all Americans. All of us understand that and the American people will support sacrifice if it is fair.

But the Federal worker who is trying to support a family and staring in the face at a 30-percent cut in pay in 12 days cannot and should not be asked to support a budget deal that will give Leona Helmsley, Donald Trump, and Charles Keating a big tax break when they unload their portfolios of junk bonds.

Mr. Speaker, a lot of Americans are frustrated at the budget process. It would be a shame if across-the-board cuts of massive significance would be caused by President Bush's insistence on tax cuts for the rich.

INTRODUCTION OF LEGISLATION TO INCLUDE MEMBERS OF CONGRESS UNDER SEQUESTER PROVISIONS

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

Mrs. MARTIN of Illinois. Mr. Speaker, some people say Congress lives by the motto of "Do as we say, not as we do." As the specter of sequestration looms large, once again we discover that we have exempted ourselves from the provisions of Gramm-Rudman-Hollings. Look, we in Congress have failed. I do not care who did what on capital gains, who is pushing for more spending, who leaked what at Andrews, or even who has the better press conference. It is clear Congress has failed and now working men and women will pay. The farmer who needs paperwork processed by the ASCS, the secretary at the Department of Labor, and the motorist on an unrepaired highway will feel the effects, but you and I will continue to receive our full pay next month.

I have introduced legislation, H.R. 5585, to at least include Members of Congress under the sequester provisions, but you and I know there is not enough time. So instead of hiding behind that excuse, I will return to the Treasury the amount of my pay equal to the average number of days' pay lost by Federal employees in my district due to the furloughs they will experience.

It is not a big deal. I can not know your circumstances; you can make a choice but our Federal employees do not have that luxury. I urge you to show solidarity with the real people who endure real cuts. Is that not the least we can and should do?

PROSECUTION AND RESTITUTION IN THE S&L CASES

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

Mr. HARRIS. Mr. Speaker, like so many of my colleagues and like virtually all of my constitutents, I am outraged by the Attorney General's failure to vigorously prosecute those whose fraudulent and criminal behavior has lead our once stable savings and loan industry to the brink of financial ruin. As a former prosecutor I can see no legitimate excuse for the delays and inaction which characterize the way this Justice Department is dealing with what has become the largest financial scandal in American history.

Not only should those responsible be made to face the full legal consequences of the actions, but every effort must be made to trace and recover the assets which they looted while supposedly responsible regulators turned a blind eye. How difficult can it be for those with all the resources available to Federal authorities to follow the paper trail of transactions and recover what is, after all, stolen property? If they would do it for a hot car or stereo, why can they not be motivated to find the literally billions now said to be missing?

Mr. Speaker, if the American people are being asked to pay the tab for this fiasco, they have every right to demand prosecution and restitution. If this is not done, the reaction will be one of disgust, growing cynicism, and a conviction that if you can just steal enough the Justice Department will take a walk.

SHARING THE BURDEN WITH FEDERAL EMPLOYEES

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

Mr. HANSEN. Mr. Speaker, Federal employees in virtually every agency are facing the possibility of furloughs if sequestration goes into effect.

While I have every confidence the budget summiteers will reach an agreement to avoid such an occurrence, several Federal agencies have had to fulfill the legal requirement by notifying employees of possible furloughs. Needless to say, this has caused a lot of anger and a lot of fear among those receiving notices.

One group of Federal employees not affected by sequestration are Members of Congress. Mr. Speaker, that's just not right. I have notified members of my staff that they will take the same cuts as every other Federal employee in Utah's First District. Additionally, I myself will return to the Treasury the same percentage of my pay as that lost by furloughed employees in my district, if sequestration goes into effect, and I call on every Member of Congress to do the same. If we are to furlough our constituents we should furlough Congress as well.

Mr. Speaker, I urge those charged with reaching a budget agreement to set aside party differences and come to a resolution of this issue before we find this nightmare has become a reality.

INTRODUCTION OF LEGISLATION URGING PRESIDENT TO CONSULT CONGRESS ON ANY AGGRESSIVE ACTION IN PERSIAN GULF

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

Mr. BENNETT. Mr. Speaker, we have just voted on a defense authorization bill. I remember the Bay of Tonkin resolution, and I voted for it. At the time I voted for it, I really did not have in mind all of the consequences it eventually had. It amounted to a declaration of war.

Mr. Speaker, I have introduced a concurrent resolution today which urges the President to consult Congress and ask Congress to decide whether or not we will take any aggressive action in the Persian Gulf situation. I think that is the way the constitutional fathers felt about it, and I think that is the way we ought to feel about it today.

I am hopeful that many will join me in seeing to it that we do not drift into a war.

CONGRESS SHOULD SHARE THE BURDEN

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

Mr. PARRIS. Mr. Speaker, as has become an annual tradition, Congress is once again playing budget "chicken." The Democrats want tax in-

creases, the Republicans want spending reduction. As a result, no discernable progress is being made at the budget summit.

While Congress fiddles, Federal employees are being held hostage by the intolerable threats of furloughs and sequestration.

I believe that Congress is being unfair and irresponsible to the people who make this Government function. If the furloughs go into effect, Members of Congress should be required to reduce their own pay by a percentage equal to the cuts in Federal employees' paychecks.

Therefore, along with my colleagues Mrs. MARTIN, Mr. WOLF, Mr. HANSEN, and Mrs. MORELLA, I pledge here and now to voluntarily return to the Treasury from my paycheck as a Member of Congress the same percentage that will be cut from the paychecks of furloughed Federal employees if a budget agreement is not reached. I invite all of the Members of this body to do the same. If you do, I suspect the Congress will rapidly conclude a reasonable and responsible budget agreement.

WE HAVE AN OPPORTUNITY TO LEAD

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

Mr. SMITH of Vermont. Mr. Speaker, we have heard a lot today again in these 1-minute speeches about the budget summit, but I still do not think we get it.

The people of this country, and I tell you, the people of the State of Vermont, do not care whether the solution that we come up with has a Republican label on it or a Democratic label on it. They want a solution to the problem which has beset this Government for so many years: An orderly retirement to the budget deficit.

Mr. Speaker, they do not want any gimmicks. They do not want any smoke. They do not want any mirrors. They want a solution, and that will be when they know that their Government is at work for them again.

There are three things that any budget summit agreement ought to achieve. First, it ought to be fair. We all need to be in the barrel together, whoever we are, wherever we live, however much we make. It ought to be active toward balancing the budget. And, third, it ought to be enforceable, pay as you go, no smoke, no mirrors.

If our budget summiteers can bring us that kind of an agreement within the next week, we have an opportunity to do what the people of this country want the Congress to do: lead.

FEDERAL EMPLOYEE FURLOUGH

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

Mr. WOLF. Mr. Speaker, we are approaching one of the most critical moments in the very survival of our Federal Government as the 11th hour in the Gramm-Rudman-Hollings sequestration process unfolds and the Federal Government is faced with massive furloughs of its civil service.

We have all looked with optimism toward Andrews Air Force Base these past few days, hoping that a bipartisan agreement will be forthcoming to reduce the Federal deficit and keep our Government operating as the American people expect and deserve.

As a Member of Congress who represents one of the largest constituencies of Federal employees in the Nation, I am extremely concerned about the prospect of widespread Federal employee furloughs.

I am concerned first for the employees and their families and what loss of pay will mean for them. And I am also concerned about what furloughs will mean for the American taxpayers who will find their Government in turmoil if a budget agreement is not reached and the ax falls on the Federal employees who are responsible for carrying out the vital missions of Government.

But I am here today because I feel an obligation to pledge that if furloughs do occur, I will withhold from my congressional salary the same proportion of pay that the dedicated Federal employees in my congressional district will lose. I feel a responsibility to these civil servants which I represent to share in what would be one of the most tragic times in the history of this Nation.

It is, therefore, incumbent upon us all to work together to prevent such a tragedy, to fashion a bipartisan plan to reduce the deficit in a responsible and fair way, and to keep our Government employees on the job and working for the American people.

□ 1430

FEDERAL EMPLOYEES BEAR FURLOUGH BURDEN

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

Mrs. MORELLA. Mr. Speaker, Federal workers are angry and frustrated. They are anxious and they are suspicious. I do not blame them. Again, they are being held hostage to our budget crisis. Federal civilian employees have received notices from their agencies that unless there is a budget resolution, they could face a possible furlough. For many, this could mean a 20-percent pay cut. Although 22 days furlough is an average for most Federal employees, there are some in even smaller agencies that may suffer longer furloughs.

I am adamantly opposed to Government furloughs as a quick fix deficit reduction maneuver. They would be unsound and certainly counterproductive. Not only would Federal employees suffer financial losses as a result of a furlough, but the morale of the public work force would suffer. Certainly the delivery of services, and all Members and our constituents would suffer. From air traffic controllers to food inspectors, to those who send out the Social Security checks. Let Members stop this Federal employee bashing.

Mr. Speaker, if all Federal employees are to bear the burden of furloughing and face economic hardship, I will, with my colleagues, voluntarily return my salary for a comparable period, to the U.S. Treasury in protest.

THE FOOD AND AGRICULTURAL RESOURCES ACT OF 1990

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

Mr. EMERSON. Mr. Speaker, I am honored to be participating in the 1990 farm bill House-Senate conference as a conferee. The 1990 farm bill will shape the future of agriculture for not only the next 5 years, but for the rest of the decade and beyond. This year's farm bill is an extremely sound piece of legislation for both the American farmer and the consumers of this Nation. As the 1990 farm bill conferees begin discussions, I fully intend to see that this conference continues new Federal farm policy on the market-oriented course of the 1985 Food Security Act and remains a budget responsible measure.

The American farmer is the envy of all—and we all benefit from the productivity and efficiency of the farmers in our country. We cannot afford to take this valuable resource for granted and must provide a basis and climate in which the farmer can prosper and continue to supply both this country and the rest of the world with the most plentiful supply of food and fiber available anywhere on the globe.

Nearly all segments of American society are affected by this legislation that the House-Senate farm bill conference will soon address. Food production, conservation of our national resources, nutrition, research, export promotion, and foreign food aid all fall under the umbrella of Federal farm policy. I am committed to continuing the means by which the income of the American farmer is stabilized so that the American people

can continue to be well fed, at reasonable prices.

Besides ensuring the plentiful supply of food and fiber for the world, American agriculture also plays a key role in the conservation and maintenance of our natural resources. As our Nation becomes more aware of our environmental needs, Federal farm policy continues to promote responsible and sound conservation and wildlife promotion practices. Folks in rural America are well aware that farmers are the original stewards of the land and have survived throughout the ages by caring for these highly precious natural resources. As a conferee, I will work to see that responsible, environmental measures remain a focal point of American agriculture.

American agricultural policy is working and the 1990 farm bill will provide the framework to continue on this path for the next 5 years. Over the last several years, farm income has increased significantly, farmland prices have increased, and agricultural export sales are soaring. Maintaining the environment for this rural prosperity must be the focus of this farm bill conference. I look forward to working with my colleagues to return a conference report to the floor that speaks for both farmers and consumers.

HAPPY NEW YEAR

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

Mr. DORNAN of California. Mr. Speaker, as we wrap it up here for a long weekend, I wanted to take this opportunity to say Happy New Year to all of my Jewish colleagues and friends across this country. The year, I believe, is 5751. That is the historical age of what a lot of people call the Holy Land. The oldest known city in the world, Jericho, over the hills from Jerusalem, the oldest continuously lived-in city in the world, at the Damascus Gate of Jerusalem, north to that city Damascus.

The Tigris and the Euphrates, Mesopotamian area, Ur, where Abraham was from. Babylon I first visited, outside of Baghdad. I was not interested in Baghdad. It was Babylon I wanted to see.

What an area of the world, and now we worry about a war. Mr. Speaker, I am proud of George Bush, and I know what he wants. It is not to see the blood shed of a single American, young man or woman in that area, which means we will have to hunker down here for a long haul and see if the world will truly make a blockade work against the Thief of Bagdhad, Saddam Hussein. Pray for peace during this break.

INTRODUCTION OF CONCURRENT RESOLUTION ON AMERICAN HOSTAGES

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

Mr. WELDON. Mr. Speaker, Saddam Hussein must get one thing clear. He will not be allowed to use foreign citizens as hostages to prevent the United States and the rest of the world from freeing Kuwait. President Bush has stated that the Iraqi aggression against Kuwait will not stand.

Saddam Hussein has turned to defenseless foreign civilians to ensure his safety. Now it is time for Congress to let Hussein know that it will not tolerate such a cowardly and insidious act.

Today, I am introducing a concurrent resolution that hopefully will make Hussein think twice about holding Americans in harm's way. The resolution states that the United States will pursue Hussein as a war criminal if hostilities erupt and the hostages are harmed.

By a vote of 97 to 2, similar language sponsored by Senators HEINZ and BOND already has passed the Senate. It is time for the House to show equal resolve.

I urge all my colleagues to join me in sending a clear message to Mr. Hussein: "The taking of hostages, whether it be women, children, or grown men, will not be tolerated and will not stand."

SUMMIT NEEDS SWIFT MOVEMENT

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

Mr. FRENZEL. Mr. Speaker, we have seen a parade of heroes come to this podium and lament the potential sequester, and indicate that they will forego some of their salary to equate their misfortune to those of public employees who are caught in the sequester. I do not think it is necessary that either has to sacrifice, and I hope that this does not take place.

However, we have to move the budget summit along better than it has been moving. So far, we have no agreement on deficit reductions in the basic Senate categories. We have no agreement from the Democrats to reduce domestic discretionary spending. We have no agreement on scorekeeping of user fees. No agreement at all on the enforcement process where the Democrats say, "Trust us," notwithstanding a dismal record of nonperformance on expense cuts in past years. We also have no agreement on taxes.

The summit has not broken down. It needs to move forward more swiftly. Perhaps it takes the cliff of a sequester to make the summiteers really get down to business. I think we ought to be encouraging them, but I think we ought not to let go of sequester as the hammer to make the budget summit work.

LET US GET SERIOUS AT THE SUMMIT

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

Mr. BALLENGER. Mr. Speaker, my constitutents are concerned over recession. They are asking me why the Democrat budget negotiators are not serious about creating new jobs and avoiding recession.

I cannot answer them, Mr. Speaker. Can you?

Even a modest recession would increase the Federal deficit by approximately $340 billion over 5 years. A deeper recession would increase the deficit by approximately $415 billion over 5 years. The recession of 1981-82, if repeated, would increase the deficit by $600 billion.

If economic indicators are pointed toward recession, and recession means severe economic dislocation—lost jobs to our constituents—then why are we not following the lead of our Republican budget negotiators who are pushing progrowth, projobs proposal? The only answer I have received is that Democrat negotiators want "business as usual."

But Americans need to know what that means:

Spending increases: Democrats want $30 billion more to spend over the next 5 years.

Phony accounting: Democrats want to disguise user fees as entitlement cuts.

No enforcement: Democrats not only want to avoid new enforcement provisions for deficit reduction, but also want to do away with the only discipline we have—Gramm-Rudman.

Let Members get serious. Americans do not want any more excuses.

END BUDGET SUMMITS

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

Mr. COX. Mr. Speaker, the clock is ticking on the budget summit. With only a few days left before the whole process flies into the mountain, we have to reflect on the 4 months that have gone by without any productive purpose whatsoever in this budget summit.

Let Members ask ourselves how it is we got here. We got here because the Congress of the United States has violated the law. The highest law, the law

that governs its spending of $1.2 trillion of the taxpayers' money annually. The law requires that by April 15, we complete action on a budget. The law requires that by June 30 we complete the entire process, including the reconciliation.

This Congress violated those laws and did not do so. The budget summit, ongoing right now, is a totally extra legal process. It is time that we end budget summits, this year and forever. No more budget summits, no more last-minute, 11th hour, slapdash, mammoth spending bill and hidden tax increases. No more congressional law breaking.

□ 1440

LIMITATION OF TERMS

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

Mr. JAMES. Mr. Speaker, the citizens of the State of Oklahoma spoke last night with a clear and strong voice about the type of government that they want. By a margin of 2 to 1, the voters in that great State passed a referendum that will limit the amount of time that elected public officials can serve to 12 years. It is a great victory for the people of that State, and for the American people.

Mr. Speaker, the people of this country are fed up. They are fed up with politics as usual, they are fed up with professional politicians that lose touch with the voters. They know that elected office was never meant to be a profession, but instead was meant to reflect the society which it represents. They want a return to a government of the people, by the people, for the people, and not a government of the politician, by the politician, for the politician.

When I was elected to Congress, the voters told me to reject the status quo and bring back honor and ethics to Congress. I have introduced legislation to limit congressional terms, and it is time that we give serious attention to these proposals. The people of Oklahoma have spoken, and the people of America are crying out for change. Let us move to give the Government back to the people.

TIME TO JUNK THE BUDGET SUMMIT

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

Mr. DOUGLAS. Mr. Speaker, it is time to junk the budget summit. I do not care if they are making progress or not, because the progress they are making is going to result in a chain saw massacre of the taxpayers. That is the bottom line. They are hung up over how to increase taxes, which taxes to increase. They are not discussing where to cut.

We have had 22 chances on the floor of this House in the last 4 months on rollcall votes to make cuts and the majority party, 22 out of 22 times, voted every single cut down. They have no interest in balancing the budget. They have no interest in bringing down spending. They want to increase taxes.

The recession Democrats now control the summit. Senator GRAMM has walked out. The gentleman from Georgia [Mr. GINGRICH] has walked out, and it is time for everybody else to walk out.

Let us do the job. Let us not go home until we get that budget under control. That is what we were elected to do. That is what they paid us to do.

Junk that summit and let us save the chain saw massacre of our taxpayers.

NO LAMEDUCK SESSION

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

Mr. HANCOCK. Mr. Speaker, as a charter member of Ducks Unlimited, we should file a libel suit against Congress for sullying the name of Ducks Unlimited and the reputation of ducks everywhere. Congress has ducked the Federal deficit far too long and now wants to duck the voters in November by putting off any tough choices until a lameduck session.

The American people simply cannot afford another lameduck session.

I do not know how many of you know this, but former U.S. Senator and Democratic Vice-Presidential nominee Tom Eagleton said recently that his party would be "reinvigorated by a recession." With the Democrats wanting to bring on a recession to embarrass George Bush, a lameduck session this year would be disastrous.

Our Nation can no longer tolerate politicians who put their party before our people and getting reelected before getting their jobs done.

"Don't duck the voters, no lameduck."

FURLOUGHS, A CRUEL THREAT

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

Mrs. BENTLEY. Mr. Speaker, the budget summit has broken down and according to the law, at this time, nonpaid furloughs of Government workers could begin sometime after the 1st of October. The necessary furlough time to reach the demanded cuts is projected to be 22 days for every worker in Government service.

Do you believe that, Mr. Speaker? Do you believe that for 22 days the air traffic controllers will be off and the IRS auditors, and the people who send out all of the government checks? What about the staffs in the various Government hospitals around the Nation?

It is a cruel threat. And, if indeed, these servants of the people are to take a forced cut—of any duration—then why not us and the other Government entities—the appointive personnel? Certainly we, in the House, bear a large part of the responsibility for this condition going back over years of not reigning in the proclivity to spend and spend.

What naturally follows spend and spend? Why, tax and tax.

The people of this country are telling us to just stop it. They are demanding that we get a handle on this—that the responsibility is ours. And, if we decide to lay it all on the plate of the government worker, I think we will be judged as shirkers—as greedy, irresponsible leaders. And, I also think, they will be making a date with us at the polls in November to tell us so.

TRAGEDY OF CONGRESSIONAL INABILITY TO PRODUCE A REAL BUDGET

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

Mr. WALKER. Mr. Speaker, it is hard to watch the budget summit process without coming to some disturbing conclusions.

First, the level of incompetency on Capitol Hill is growing. We seem unable to deal with even the most basic national problems, including the present problem of an economy drifting toward recession.

Second, the Democrats have decided to deal with deficit problems by reinflating the economy. Their proposals in the budget summit have been typical tax and spend policies, the same kind of tax and spend policies that have caused economic disaster before.

Third, the Democrats are unwilling to consider economic proposals designed to create jobs. Instead of a policy of job creation, they have decided to play the politics of class warfare.

Fourth, there is a real chance this combination of incompetence and economic backtracking could lead us into a real recession.

The tragedy of the congressional inability to produce a real budget could dramatically affect the budgets of every American family.

THE TRUTH ABOUT CAPITAL GAINS

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

Mr. GUNDERSON. Mr. Speaker, I am absolutely amazed. Some of our colleagues will say anything, stretch any statistic, in order to try to obtain a partisan advantage.

We are not interested in class warfare, but we are interested in economic growth. Those ought to be the goals of every Member of this Congress, Republican and Democrat alike, and yet more and more of my colleagues on the other side of the aisle are coming here to the well and suggesting that in the name class warfare they need to stop economic growth.

Now, if there is one fallacy that we have been hearing here over the last couple days, it is that somehow capital gains is a tax for the rich. I wish they would go back to their rural districts and I wish they would talk to their farmers, their small town businessmen and women, and suggest to them, those who traditionally have a $30,000, $40,000, and $50,000 income, with a 1-year glitch when they sell the farm, when they sell the feed mill, when they sell the grocery store, when they sell the drugstore in small town America. That is who benefits from capital gains, Mr. Speaker. It is not a class issue at all.

□ 1450

VACATING SPECIAL ORDER

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special orders of the gentleman from Pennsylvania [Mr. GAYDOS] on September 25 and 26, 1990.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from New York?

There was no objection.

BUDGET SUMMITEERS DIVIDED BY MORE THAN JUST CAPITAL GAINS ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, during the past 48 to 72 hours, we have heard members of the majority party come to the floor in large numbers claiming that the only thing that divides the budget summiteers is the issue of capital gains taxation or, in our parlance, the Jobs Creation Act of 1990.

Their claim is that the Republicans are holding out for this tax policy against everything else.

Most of us who have a little bit of knowledge about the summit find that quite interesting because that must mean that the Democratic negotiators have agreed to everything else, that the only thing there is disagreement on is capital gains. Well, if that is the case, then they must have agreed to discipline within the budget process; namely, the line-item veto or enhanced revision powers for the President.

Mr. Speaker, I am not aware that that agreement has been made, but if the people who have come to the floor are telling the truth, then that agreement must have been made and I would like to see something in writing from the Democratic negotiators who tell us flatly that they have agreed to their kind of budget discipline.

They must have agreed to $125 billion in domestic discretionary and entitlement cuts because that is where the spending cuts have to be made. They must have agreed to that; if the only item of disagreement is capital gains, that must have been agreed to.

I would like to see in writing the Democratic leadership tell us that that agreement has been made. They must have agreed to $170 billion of defense cuts. But if the capital gains is the only issue outstanding, then that has to be a part of the budget agreement already arrived at.

I have not heard that. I would like to see from the Democratic leadership in writing that they have made that agreement. I would like to see all of these things that have been agreed to other than capital gains.

But I do not think anybody is willing to come forward and tell me that, because I know that in the budget negotiations the Democrats agreed to none of that. They agreed to none of that.

In fact, the only thing they did agree to were massive cuts in defense that would strip this country of its basic military strength even in the light of the Middle East conflict; they have asked for massive tax increases.

One Democratic negotiator even proposed at one point a 60-cents-a-gallon gasoline tax. Imagine what that would do to the American family.

Now, they have proposed in those negotiations $70 billion of additional domestic discretionary spending. Those are the proposals that they have laid on the table. They have not agreed to anything that I suggested here previously. And they are claiming that it is hung up on the capital gains taxation issue. It is not. There are massive disagreements, and those disagreements go to the heart of what adequate budgeting is going to be in the United States.

So for all of those folks who have heard our Democratic colleagues making claims on the House floor over the past 72 hours or so about the nature of the budget summit, they have not given you the whole story, and you ought to know it.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding, and I appreciate what the gentleman is saying. I think, if we understand the process around here, the President submits a budget in late January, first week of February.

Mr. WALKER. Yes. Remember, they always hold him to that, that he has got to have his budget in here on time. The President has to meet the schedule.

Mr. GUNDERSON. We were supposed to have the conference between the House and the Senate on the budget on June 15, I believe, so that the appropriate——

Mr. WALKER. Yes. By the end of June we were supposed to have completed everything, including reconciliation.

Mr. GUNDERSON. So we have done, in essence—we have not met one of our target deadlines, not a one.

Mr. WALKER. Not a one.

In fact, we are in violation of the law because the law requires that and the House could not do its work. So we deemed the budget to be passed rather than actually passing one.

Mr. GUNDERSON. So we are in violation of all that, and yet we stand here and say that the only issue separating us from an agreement with the White House is capital gains and we are opposed to that even though the White House has agreed to have revenues on the table, the White House has agreed to scoring capital gains the way the Democrats would like to see it to be; and yet despite all of that, we still would rather have the recession than have a capital gains tax cut which passed this House in a bipartisan manner just last year.

Mr. WALKER. Well, I think that the gentleman has characterized it right. The disturbing thing is the lack of ability to deal meaningfully with the budget means that we are plunging this Nation into a recession and that you really are creating a situation where the recession Democrats will have devastated the Nation's economy.

LEGISLATION TO CORRECT HUMAN RIGHTS VIOLATION COMMITTED BY OUR OWN GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, today I am introducing a piece of legislation to correct, I believe, the human rights

violation that was committed by our own Government. As hard as that may seem for some to believe, it is documented and has been determined by the highest Court in our land. Where I believe there is much to be proud of as Americans, there are also some injustices of the past committed by Congresses of the past that are still unresolved and that must be addressed.

The legal confiscation of the Black Hills was accomplished through the enactment of a bill that was entitled the 1877 Sell or Starve bill. The bill was called Sell or Starve because the U.S. Government sought to starve the Sioux into submission in an attempt to get the Sioux to agree to cede their sacred lands.

This extreme action was taken by the Government because the 1868 Fort Laramie Treaty had required that no land could be taken from the Sioux unless three-fouths of the adult male Sioux population would agree to the secession of land.

Even though the Sioux were starved, they refused to relinquish their sacred land and the Government then enacted the 1877 Sell or Starve bill anyway and stole the land from the Sioux.

The Supreme Court, in 1980, after the longest Supreme Court case in history, 103 years and over 5 generations of Sioux, condemned the seizure as unconstitutional. The Court found that, and I quote, "A more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history." The Court declared that the Sioux people were entitled to receive "fair and just compensation."

This legislation that I have introduced returns only about 18 percent of the confiscated land to the rightful owners and orders just compensation, no more no less, be given to the Sioux Indian.

Despite the Court's ruling over 10 years ago, not 1 square foot of sacred land nor $1 has been returned to the Sioux people.

The Sioux Nation Reconstruction Trust Fund Act of 1990 illustrates that this body recognizes that the history of the United States contains certain instances of past injustices done to the native Americans and it also recognized the obligation to fairly resolve past treaty violations.

□ 1500

Mr. Speaker, the case of the Black Hills is an extreme case of disregard for Native American human rights and legal rights. The Sioux Nation was granted legal title to the Black Hills in the 1868 Fort Laramie Treaty, but the Government caved in to mining and non-Indian concerns and took the land from the rightful owners anyway.

In 1877, after attempts to purchase that land had failed, the land was forceably confiscated with the authorization, which I want to underscore, with the authorization of Congress. Consequently, the people of the Sioux Nation were relegated to a condition of abject poverty, the highest unemployment rate anywhere in the Nation, higher than 80 percent, a mortality rate that is shorter than anybody else's in the United States, an infant mortality rate that is higher than any of the poor nations of the world, and, through this all, due to their strong beliefs and their feelings toward that sacred land, the Sioux have refused to accept monetary compensation and, instead, insist upon return of their land, but only that which is federally controlled and not used, only a small fraction of what was taken.

Mr. Speaker, it is now clear that a political solution is the only way to enact a fair solution. This legislation would return all unoccupied, and I want to underline the word "unoccupied," federally held land in the Black Hills which actually belongs to the Sioux. My legislation directs the payment of fair and just compensation to the Sioux Nation for damages inflicted upon a people as a result of the illegal confiscation and the subsequent plundering of the land's natural resources. As well, my legislation calls for return, as I said, of that unoccupied land, which is only about 18 percent, of which 80 percent of that will be turned into a national park for all Americans to enjoy.

It is important to note the Sioux are not seeking return of any occupied Federal lands, only lands that have been unoccupied for the last 113 years and that rightfully belong to them.

The removal of land from the Federal Government is not an act that is taken lightly by me or anyone else; however, the need for corrective legislation has probably never been greater than in the case of the Sioux Indians. Only the internment of the Japanese-Americans during the Second World War falls into the same category of domestic injustice, and I strongly urge my colleagues to support my legislation and bring about a final justice to an injustice.

ABRAHAM S. VENABLE: RETIREMENT OF A PIONEER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

Mr. CROCKETT. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of a remarkable man and an outstanding citizen of Detroit, Mr. Abraham S. Venable. On September 1, 1990, Abe Venable stepped down from his position as director of urban affairs for the General Motors Corp., after almost two decades of unflinching service. We in Detroit, and his many friends and admirers around the country, pay tribute to Abe Venable and his many contributions to our community and our Nation.

Mr. Venable, a native of Washington, DC, has been a constituent in my district since he came to Detroit in 1971. He was graduated from Howard University with a B.A. in economics in 1951, and an M.A. degree in economics in 1953. He was also a Woodrow Wilson Fellow in the School of Public and International Affairs at Princeton University from 1968 to 1969.

In 1972 Abe completed several overseas activities for the United States Government, including traveling throughout Germany in an effort to improve race relations at United States military installations in West Germany, and as a trade representative on a Presidential goodwill mission to promote commercial exchange between the United States and the African countries of Ethiopia, Kenya, Nigeria, and Liberia.

Abe Venable was appointed to the U.S. Department of Commerce in September 1973—during the Nixon administration—and served in numerous assignments, including Director of the Office of Minority Business Enterprise; Director of Affirmative Action Program Staff; and conciliation specialist with the Community Relations Service.

Abe was recruited within the private sector by the General Motors Corp. in an effort to address the unique issues that the turbulent years of 1968–70 brought forth. General Motors recognized that in order to continue to operate as the most successful manufacturing corporation in the world, the issues that uniquely apply to minorities must be proactively addressed. They also recognized that an outstanding, assertive, and innovative force was needed to lead the corporation in the effort. That force was Abraham Venable.

Abe is one of the pioneers of corporate America's—and, especially General Motors'—affirmative action programs. In 1970, General Motors formed an urban affairs activity to provide leadership and counsel in addressing the concerns of minorities in corporate programs. Abe became the first director and served as such until he went on leave status in March 1990. During his tenure, Abe dedicated himself to measurably improving the position of minorities in all facets of GM's operations, from employment opportunities to minority suppliers and dealers, and to have the corporation more effectively address social and economic issues affecting minorities.

He has also been actively involved in the affairs of Detroit during these years, unselfishly giving his time to several causes and activities including the Detroit-Wayne County Port Authority and the Greater Detroit Foreign Trade Zone. Abe currently serves as the chairman for the Institute for American Business.

Among his many honors are the National Business League J.P. Napier Award as Government Man of the Year in 1970. In the same year he received the Atlanta Business League's Distinguished Service Award, and in 1973 Shaw College of Detroit honored him with an honorary doctorate degree for his achievements in business leadership and minority affairs. In June 1978, he received an honorary doctorate of laws degree from the

Grand Valley State College for his outstanding community service and in April 1981, he was inducted as an honorable member of Beta Gamma Sigma. And in June of this year the Opportunities Industrialization Centers of America, Inc., presented Abe its Humanitarian Award for his years of dedicated service to that outstanding organization.

During his illustrious career, Abe somehow found time to pursue literary interests. Proceeds from his published text, "Building Black Business—An Analysis and a Plan," are donated to yearly scholarships, in his name, for Howard University School of Business and Public Administration students.

Abe has been married to Anna G. Venable for 37 years, and is the father of three children: Karen, who resides in Newark, NJ, and works for the Newark Department of Recreation; Douglas, a real estate broker and proprietor of the Donut Factory in Detroit; and Stephen, who recently completed law school at the University of California at Berkeley and is presently employed with the law firm of Dorsey & Whitney in Minneapolis, MN.

Mr. Speaker, the career of Abe Venable has been one that stands as an outstanding example to our young people. Through his hard work, compassion, and insight, he has become one of the most respected members of our community. I know General Motors will miss his tireless efforts; and I hope that my colleagues here in the House will join with the community of Detroit in wishing Abe Venable a retirement filled with as much satisfaction as his long career has given him—and us.

A RISING TIDE OF ANTI-SEMITISM ON EVE OF HIGH HOLY DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to express my deep concern about a rising tide of anti-Semitism. I speak not of the Soviet Union, not of Eastern Europe, but instead of our own United States. Rock throwing, graffiti, vandalism cast an ugly shadow over celebrations as the Jewish high holy days begin. Even in areas of our Nation renowned for their tolerance and openmindedness, tragic acts of violence threaten the free exercise of religious beliefs. Some of these outrageous actions also threaten public safety. In one horrible instance, brakelines of a Jewish day camp bus were severed putting dozens of young lives at needless risk.

I reach out to all of my colleagues in this institution and to all Americans to begin the year 5751 by committing ourselves to work together to build bridges bringing all of us closer to one another and to strengthen understanding. These acts of anti-Semitism are nothing short of terrorism within our own Nation. We must join hands to bring an end to this mindless behavior rooted in bigotry.

THE CONGESTION AT OUR COUNTRY'S AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 60 minutes.

Mr. INHOFE. Mr. Speaker, it was my intention some time ago to have a 1-hour special order on a critical problem facing the Nation. Unfortunately, as is often unforeseen, we adjourned early today, and all of the participants who wanted to participate in this special order and who had statements that they wanted to make are not here. They are on their way back to their districts.

For that reason, Mr. Speaker, this special order that I was going to do today I am going to delay until next week. However, I would like to make a few comments and at least frame the problem so that people will know that we are trying to address this. At least a few of us in Congress are sensitive to this and are trying to address this problem that does face our Nation.

So often problems that we face have a lot more glamour than the particular one that we are addressing today. There is a lot more emotional concern. Certainly today the strife and the conflict in the Middle East, certainly today the impasse that seems to have been reached by our summiteers in resolving the budget problem and the crisis that our Nation will face as a result of that have a lot more general appeal. But there are many problems that face this Nation for which there are solutions, and the solutions are not costly solutions. They are political solutions that we have to stand up and say, "If it's logical, we'll do it."

Now granted, I am from Oklahoma, and many times we do things there that are perfectly logical, and we resolve our own problems. I am from the city of Tulsa. I used to be the mayor of the city of Tulsa. In the city of Tulsa we have become very self-supporting. We have actually rejected grants that have come from the Federal Government because we want to take care of our own problems.

Mr. Speaker, the problem that I am referring to is a problem of congestion of our airways and congestion of our airports in this great country.

In 1985, the FAA came out with a report that we had 16 airports, major airports, that were congested in our country. They are projecting that by the year 2000 that we are going to have 58 airports that will reach that congestion stage. It happens that my major airport in my city, Tulsa, OK, the Tulsa International Airport, is one of those airports.

Mr. Speaker, this affects two large groups in this country. The smaller group is that of the general aviation group, an overlooked group in this country, a group that is disappearing with the problems that are facing general aviation. We are finding fewer and fewer trainers that are made in this country. Most of them are made in Italy, West Germany, and France due to a number of problems. But when they have people who are participating in general aviation, such as myself, such as my colleague I see here from Iowa [Mr. LIGHTFOOT], and we come down here to land an airplane in this general area, we find that the options are limited.

From the air, Mr. Speaker, as we come in, we look and we see that only 4 years ago we had many options that are not there today. Woodbridge has been closed. It is now being developed into houses. And we have, I think it was called, Deep Rock, another one that was there for the use of general aviation. It is no longer there because the land has become too valuable for airport use. Yet, as we come in and are forced into going into National Airport that is already overcrowded, we look below us, and we see field, after field, after field that our military bases are operating at perhaps 15- or 20-percent capacity.

So, the logical question is: Why not have a joint use policy, Mr. Speaker, so that we can use those fields for civilian aviation as well as military aviation?

I think that there are very few people who are aware of the seriousness of this problem. For example, the ground congestion adversely affects 80 percent of the flights today. For example, most of the people who are interested in this subject with us right now will occasionally fly on an airline, and four out of five times there will be some type of a delay, what they normally refer to as a ground delay. Now they will be told, or the particular airline will come in and say, that it is due to air traffic control and all this, and everybody passes it on to somebody else. The bottom line is: It is congestion, and we all feel that.

Mr. Speaker, the cost of congestion exceeds $4 billion a year, and this is a cost that we all must bear in one form or another. Here we are talking about trying to come up with $1 billion for one program or another when there is something to reduce the deficit in order to try to meet certain targets, and yet we have $4 billion a year that is being wasted due to the airline and airport congestion.

Mr. Speaker, the gentleman from Iowa [Mr. LIGHTFOOT] has been very sensitive to this and may have comments addressing this problem.

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. INHOFE], and I appreciate him taking this special order to discuss this particular issue. I think one of the things that we have to point out, which the gentleman from Oklahoma [Mr. INHOFE] has done very well, but a

lot of people do not realize is that, as we see this expansion in commercial aviation, most of it was spurred on by deregulation. We have more and more people flying on commercial airplanes than we ever had in this country. Someone made the comment that now the people who used to ride the bus are traveling by air. That is basically true. Because of reduced rates and the competition between airlines and so on, we have reached virtual gridlock in terms of where can we go with more commercial aviation.

□ 1510

Being from farm country, maybe this is not a real good analogy. So instead of saying a grain elevator, I will use a water pipe, which anybody should be familiar with.

Mr. INHOFE. You can use a grain elevator. I am from Oklahoma.

Mr. LIGHTFOOT. If you take a grain elevator or a water pipe, it is so big around, it has a certain amount of capacity. You can only get so much product through it in a given time. Once that sucker is full, that is it. You are done. Any other water that you try to push through that pipe, or grain up that elevator, spills on the ground.

This is basically what is happening with commercial aviation. The system is totally loaded down to the point that we just cannot handle any more operations.

If you look at what the alternatives are, particularly in view of budget constraints and budgetary problems, you take your major population centers where most of the traffic is centered from, and then you ask yourself the question where do you build an airport. The answer is, there is no place to build an airport.

As the gentleman mentioned, here in Washington, Woodbridge and some of the other airports have been turned into housing because it was worth more money. If you look at New York, and of the major cities, Los Angeles on the west coast, you find the same situation.

Then you are faced with the situation of what do we do then if we cannot build a new airport. The only logical thing then left to do I think is to look at what airports exist, and suddenly we find a map that is covered with all these military airports, with many of them at 20 percent or less of their capacity.

Then you start analyzing where they are located. For example, in Los Angeles there are four active military fields within 50 miles of LAX. Up in New York, you have got four airports there that are within 64 miles of JFK.

Just to cite a quick example, in New Jersey you have a major heavy airlift wing that operates from long runways, a good military field, that is running at about 20 percent of capacity. Right across the fense from it is Fort Dix, NJ, in the process of being closed down.

We already own the land. You do not have all of this environmental impact to go back through. You could construct another runway parallel and put the civilian on one side and the military on the other. They are outside of the New York air corridor, and you could make some great strides.

Mr. INHOFE. The gentleman is talking about McGuire Air Force Base that is in conjunction with Fort Dix. Now, you mentioned New York. That is 50 miles from the Holland Tunnel. It is 18 miles from Trenton, NJ. It is 30 miles from Philadelphia, PA, right in a congested area. It is an underutilized base as it is, and there will be, with these cutbacks that we have been talking about, we are not only going to have cutbacks from the use of that base, but also Fort Dix.

The interesting thing about that is if you look, which we will do next week, we will have some charts to show how this works, if you look at a diagram of McGuire Air Force Base and then look at the diagram of Charleston, SC, which has been a successful joint operation since 1973, they are almost exactly the same. They have the segregation that lets the general aviation use that one portion without any disturbance of the military operation on the other side of the field.

Mr. LIGHTFOOT. That is a good point. The other thing, too, I think that needs to be brought into the discussion is the politics that are at play, both within the communities in which the airports are located, and the politics within the governmental agencies, within the airport authorities, and within the military.

There has also in the past been a very strong, shall we say, protective attitude amongst the military, in that if you wanted to get promoted to general, you did not have anything go wrong on your air base. The way you did not have anything go wrong on your air base was you kept civilians off of it, and kept strict control over everything that happened.

I think that attitude now is probably going to change, particularly with the emphasis being put on closing bases. Some of those base commanders may get the message that hey, look, if you do not let the civilians on, you may not have a base to command, period. Maybe it is time we overcome that political aspect.

Mr. INHOFE. I think it is interesting that the gentleman brings up that point, because there are two political problems you have when you talk about joint use. One is the political problem in the community, and the other is the political problem in the military.

On the community side, if many of these military bases, as they have, become more economic bases than they are participating in the defense of our country, and I hasten to say that I am very pro-military. I have a 100-percent American security rating, so I do not want this misinterpreted as being antimilitary in any way. But if we are going to be cutting back, as we have done too much of already, and I think most people in this country agree with that, but if we are going to be doing that by mandate of this body, then that local community, that has looked upon that base as an economic base, has a new alternative.

It may have been they are going to have to cut back and make them lose employees that are military employees, they will not be buying in our stores, but at least we are going to be filling up that vacuum by using it for a functional military base.

I think on the other political problem we have, we are reaching some kind of a resolution, because Secretary Cheney is very supportive of this idea. We are seeing a new cooperation among the generals who are holding onto their bases with white knuckles to keep civilian aviation out. They are now saying wait a minute, now I think we can be more cooperative in a recognition that this is all public funds. It is not just the Navy or the Air Force or some other public entity. These are taxpayer dollars.

You also have Admiral Busey running the FAA, who has a deep understanding of general aviation, being a pilot himself, as well as Sam Skinner, Secretary of Transportation.

So I think those political problems that you brought out look like the time is right to overcome those. Would you not agree with that?

Mr. LIGHTFOOT. Absolutely. There is an old proverb that says a successful rain dance is the result of good timing. I think this is probably where we are in this particular process.

One point that I hope does not get lost, which you made very plain in this discussion over joint use, is that the intention here is to make the military, as well as the civilian side of it, as efficient and effective as we possibly can. In essence, we are trying to help both, or let them help each other, as the case may be.

I think that I am very strong believer that the people of this country who are paying roughly 40 percent of their income in State, Federal, and local taxes, have had enough with taxes. They do not want any more taxes. Yet they see a legitimate role that Government has in providing this type of an infrastructure system. So let us be efficient and use what we have and do it effectively.

It is almost like having three cars in the garage, but we are not going to use them because they belong to the second cousin or something, so we

have to go out and buy a new one. That is kind of the way the Government thinks. I think it is time we started borrowing the cousin's car, and maybe buying him a new radio or something for it is the process.

Mr. INHOFE. You are right. You brought up the point of the congestion. Just since 1978, deregulation, we have almost twice as many people peddling around in that stuff that you and I fly in, yet we have the same number of controllers, roughly. With the exception of what is happening out in Denver, that is the first new major regional airport that is being designed and committed to since DFW, I believe, in 1972. For a while there we were having several each decade. We were growing by leaps and bounds, and taking care of this capacity problem. Now all of a sudden, we go for almost 20 years, in fact, it will be 20 years, without any new major regional airports.

It is something where we are going to have to do something. We have reached capacity in many of these, and there is a great deal of cost, the $4 billion a year it is costing the American people.

I talked to the gentleman from Colorado [Mr. HEFLEY] a few moments ago, and he told me Patterson Air Force Base is also a joint project with Colorado Springs, and is working beautifully. What used to be Charleston, it is still Charleston Air Force Base, with Charleston, SC, is probably one of the models in the Nation. It is working very well. The people like it, the military like it.

One thing about this political arena that those of us who have been around for a little while know, any time you get into something that is a change, there is a lot of resistance. Then all of a sudden people decide hey, that was not bad at all. This is the change we want to see, in the military, in the public.

□ 1520

Mr. LIGHTFOOT. I think it is just unfortunate. I guess maybe it violates one of the laws that prevail in this city, which is that logic and common sense are prohibited within the beltway, because really what we are talking about is taking a commonsense approach to the situation, evaluating the facilities that are currently in place, that are up, that are running, that are available and that could be used, and then moving forward with some kind of a plan that can utilize what we already have.

The other answer or a portion of the answer on congestion I think, once we get beyond the airports, is we have to look at some new kinds of technology. I do not necessarily want to get off onto this, but there is the V-22, for example, the tilt rotor aircraft which offers I think a type of technology that could be utilized in particular areas along this Eastern corridor that are so congested that there is absolutely nowhere to go for a new airport. That is another answer.

The problem is we may end up giving that one to the Japanese again.

Mr. INHOFE. It looks like we are going to do that. That opens up a whole new area, because once you start talking about tilt rotor technology, then you talk about STOL technology, which we are getting to, and then we have not just Air Force bases, and not just Navy air stations, but Army bases that traditionally have much shorter runways and are going to be able to be used.

I think all too often we plan for the future with just today's technology instead of looking at what is going to happen in the future, and you and I both know, having been supporters of the V-22, the tilt rotor technology, that if we do not do it, someone else is going to do it, and that is going to be entered into our system. It is still going to be flying out of the airport we are talking about today. The only difference is it is going to be made by the Japanese instead of by us here in this country. Nonetheless, we will still be buying them and still be transporting people around.

That then brings up a whole new area, and that is the Army bases that were traditionally made for helicopter types of operations.

Mr. LIGHTFOOT. I have some figures here off the top of my head, and they may be off a few percentage points, but they are very much in the ballpark of a study in the New York area. Of aircraft leaving out of New York approximately 80 percent of the passenger load is carried on about 20 percent of the takeoffs and landings. Those are the big jumbo jets that are going overseas. The other 80 percent of the operations of takeoffs and landings account for the other 20 percent of the passenger load, and most of those people are traveling a distance of 300 miles or less. There was a survey that indicated that using tilt rotor technology, for about $12 million a 4½-acre tilt rotor facility could be constructed on some existing piers that are in New York Harbor, and could handle somewhere in the neighborhood of 6,500 passengers a day. This would take about 25 percent of the load off of the major airports in New York, would cut their delays down somewhere in the neighborhood of 40 or 50 percent. We can do the same thing in Chicago at O'Hare. If we can move some of the general aviation off of the O'Hare field and maybe onto the Glenn View Air Station, if we could use the tilt rotors in there for those same kinds of flights, we could get a few of those operations off of those big airports, and it makes a lot of difference in the amount of delays for the bigger aircraft. It just seems to me we have reached the point where something has to give, and this to me looks like an economically feasible way to approach it, tilt rotor, and joint use.

Mr. INHOFE. I think the gentleman from Iowa is guilty of using common sense, and of course that comes from the time that he lived in Oklahoma, I am sure.

Mr. LIGHTFOOT. I thank the gentleman.

Mr. INHOFE. Having been born in Iowa, I can understand where you are coming from. You look at all the objections that are there for airport expansion and lack of space, and there is never enough space to use because in Woodbridge or other places there is a higher and better use for that land, and in this country of private property rights, and I endorse them and encourage them to use it for that purpose, and when we have budgetary constraints. Right now in Tulsa, at the Tulsa International, on our second longest runway we are spending $2.5 million just to strengthen and surface it, not to build it. With budgetary constraints, if we look and see what our future needs are, if we have to go out and build for that without retarding the economic growth in this country, then we cannot afford that. That is not one of our options that is an affordable option.

We also have opposition of all kinds, community opposition to anything new that goes in. However, when we have a military base that is already accustomed to it, and they would prefer and in most cases would endorse the joint use to get more civilian-type space, and if there is going to be some noise or some inconvenience, at least they want the convenience of using it themselves.

We have environmental considerations. Most of those are already overcome. One exception to this I understand is at Scott Air Force Base, and in their transition toward a joint use of that facility they are now saying that there are some roadblocks thrown in the way because of environmental problems that have surfaced. But generally that is not the case.

So I really do not see any other alternative that we have that is viable right now. I think we can also say to that small segment of the population we refer to as the general aviation population, they know this problem, and if we ever had time, sometime it would be kind of interesting to do a special order just on the contributions to our technolog and to aerospace that are made by general aviation, and to wake up and let them know, and let Members of this body know the contribution that is being made, and then they would be more sympathetic toward keeping a viable general aviation community in this country. It is

dying, and right now, as I say, we are not making small training aircraft anymore. So it is one of the few things that comes along where everybody benefits and nobody loses.

Now there is good news. I had a meeting in my office with the FAA and some of the military people that will be involved in these joint use decisions. There is more cooperation now and more communication going, as the gentleman well knows, and there is a joint committee of the military and the FAA and other interested people who are looking, all branches, and we are talking about Marine, Navy, Air Force, and Army all sitting down at one table with the FAA and looking to see how we can do this. It is a very positive environment with the cooperation of both the Secretary of Defense and the Secretary of Transportation. I feel good about it now.

Mr. LIGHTFOOT. If the gentleman will yield, I think we are on the right track. We are headed the right way with it.

One of my pet peeves with the whole governmental process in aviation, as a prime example, and we are starting to see it in health care, is the headlong rush toward giving all of our powers to the all-wonderful, all-encompassing Government. We are basically regulating this country out of business. We do not have, as the gentleman mentioned, anyone other than Piper now I guess that is trying to make a training plane in this country, and the bottom line is they cannot afford to do it because of regulations and because of product liability. On an average, for a general aviation aircraft, there is over $100,000 per unit just in product liability insurance, and for a plane that used to cost $20,000, this is ridiculous.

Mr. INHOFE. We do have that problem, and that is why are are buying so many of these overseas.

On trade, if we would take that element along with oil that we are buying from the Middle East, we could correct 50 percent of the imbalance in trade that we have right now. They are operating without being encumbered with problems, and what the gentleman from Iowa is referring to is something that was testified to in our aviation subcommittee.

I believe the gentleman from Iowa and I are the only two active commercial pilots in the Aviation Committee, so maybe we are more sensitive to these things when they come up. But it was Beechcraft that testified to the figure that it cost to offset the exposure of product liability. So we are buying now from France, Italy, West Germany. They do not have that problem.

Mr. LIGHTFOOT. It just seems to ironic that a lot of the people in this body who are always screaming about unfair trade from foreign companies and unfair trade practices, and tout the protectionist role, are the very same ones who are supportive of this kind of legislation that just adds more and more layers of bureaucracy and paperwork. It is all done under the prospect of protecting us from ourselves.

□ 1530

In the health care industry, I have been talking to nurses in my district, and the average nurse now is spending 6½ hours of an 8-hour shift doing absolutely nothing but fill out unproductive Government paperwork that does not increase the quality of health care. It drives the cost of it up, but all of that paperwork was put in place supposedly to make health care better. The nurse went to school to learn to take care of people. That is what they want to do, and I just use that as one small example.

Talking about a new airport, and I would suggest to anybody who is in any of the major areas, Chicago, Dallas, New York, Los Angeles, who is concerned about this air traffic situation, ask them the simple question: "Where do you build a new airport, and what is it going to cost?" By the time you do the environmental impact studies, by the time you do all of those thousands of things that have to be done to satisfy the Federal Government, the thing is probably going to be obsolete before you ever break ground on it, even if you can find a plot of land to build it on to start with.

We have military fields in place, as the gentleman mentioned, and they have already satisfied the environmental concerns. We should utilize them.

Mr. INHOFE. I know the gentleman has a lot of townhall meetings, and I do, too. I think I have set a record on the number of townhall meetings a person has in a term. I am approaching 150 of them.

The one thing that always comes up, and it might be from a dentist, a doctor, anyone in business, the paperwork that they have and the amount of money that they spend and the resources that they attribute to the paperwork that Government imposes upon them. Then we go through and we find out we will have five or six different regulators with one individual or one profession. They are all doing the same thing five times. They will not use the same paperwork.

We do have an overregulated society. There was an attempt back in the early 1980's under the Reagan administration, and I think he actually cut the number of pages in the Federal Register down by about two-thirds, but they are back up in excess of that right now, I can assure the gentleman. That is one of the problems that goes far beyond the purpose of this special order. But it does show how it affects the construction of new airports.

The results speak for themselves. We have not built one since 1972, and yet the need is far greater.

When the gentleman mentioned a minute ago that so many people now are flying who used to be riding the buses, and this is progress and we are very pleased people are able to better utilize their time, those indviduals who are doing that are still spending 80 percent of their time or their flights, in flights that, due to the congestion problem that we are trying to address, are using up their time, too.

For the overall productivity of America, I think it is necessary that we use these national resources that we have that we call military bases for everyone's benefit.

As much as I was offended and depressed by this mood of Congress to disarm this country and particularly with some of the things that we passed just today in with the attitude that since the Berlin Wall is down there is no longer a threat out there and then all of a sudden there is a threat in the Middle East, no one really was aware of, still that has not affected the behavior of this body.

We are going to be making cutbacks, and I cannot help but think that there is another hidden value to this, and that is that if we are able to use these military bases for civilian operations and we get in the position where we all of a sudden have to gear back up and make America strong again and get in a defense posture that maybe we are doing away with today, by virtue of Executive order, those bases that are being used partially for civilian purposes can be put back into the military system, and we will not find ourselves with an atrophied system in this country and find ourselves more defenseless.

Mr. LIGHTFOOT. We spend several billion dollars a year out of the farm bill, the farm budget, to subsidize the merchant marine which I find is appalling. It ought to come out of the Department of Defense where it really should come from.

I have no problem with subsidizing the merchant marine. I think the purpose supposedly is so we have a standing merchant marine fleet that is ready in time of war, and I support that concept. I just think it should come from the defense budget rather than the ag budget, because it is not related, but we cannot get the votes to change it.

But, be that as it may, with this whole thing of readiness, the emphasis, I think, now needs to be increased again on building up in the Reserve and the National Guard. I think it is economically a very feasible way to keep a ready force for us. It also combats the problem we have in the military with the high level of technology that we have in the military hardware

today. We spend thousands, and in some cases millions, of dollars training people, and then they immediately leave at their first opportunity, because they can make a lot more money in the private sector than they can as an airman or a sailor or a soldier or a marine. The Reserve system and the National Guard system is one way to retain those very valuable trained people in the military and, at the same time, let them utilize those skills in the civilian world to enhance their income and enhance their communities. That, I think, also lends itself to this whole concept of joint use between civilian and military facilities and people, as far as that is concerned.

Mr. INHOFE. It addresses a problem very few people are aware of, and that is that our airlines are having a hard time finding anyone. There are no more trained pilots with military cutbacks. We do not have as many in the military.

With the demise of general aviation, which used to be the major training area for airline pilots, they are not there, and this could revive that industry. It could make it a more viable supply of pilots for the future.

When the gentleman talks about using and joint use, it really falls in two categories. There is not a lot of debate along the lines of the closed bases. Once they are closed, there is not much opposition, except the military generally will then say, "Well, wait a minute, this is our asset. We own it. What are you going to give us for it?" I think this is something that all of Congress should start addressing, and that is it is all taxpayers' money, and whether it is in the military or in the Navy as opposed to the Air Force and Air Force as opposed to the Army, still it is a national resource, and we need to emphasize that so that we do not get in this thing where we say, "Well, fine, I am for joint use. It is going to overcome all of the obstacles. The problems we have. It is going to expand the capacity we have in this country to grow," and at the same time say, "Well, I do not want to do it, because we are not going to get compensated for this even though we cannot use it. You cannot have it, because it is mine." It is not mine, it is not the military's, it is not the civilians'. It is all taxpayers' money.

When you stop and think of the overall picture we have not even talked about, we talked about the budget problem we are having right now, and very few people realize that for every 1 percent in economic growth in this country, it creates new revenues of $24 billion.

How better could we increase the economic growth in this country than to open up more airways, more airports for civilian aviation and get America moving again.

Mr. LIGHTFOOT. I think the gentleman has touched on a very important issue, and as we listen to the debate in this Chamber on programs virtually from the womb to the tomb that are supposed to do all of these wonderful things for people, the bottom line is the best program that we can have in the United States of America for people, be they young, old, rich, poor, man or woman, is a growing, robust economy that is moving ahead, that is providing jobs, that is providing the revenues for people to buy homes and automobiles and clothes for their children and educations for their children, pay their medical bills and, of course, from that income comes a certain percentage of taxes which we do need for such things as roads and highways and airports and the FBI and the military, and the meat inspection and all of those things that we take for granted.

The only way that you get that kind of a robust growth situation is to get Uncle Sam and the State governments as well, as far out of your personal lives as they possibly can, keep regulation at a bare minimum and do not continually penalize people who succeed.

□ 1540

If we look at the whole process, it is a disincentive, because the harder we work, the more we do, the more Uncle Sam takes away. We are rewarded if we do not work. We make a conscious decision not to work.

To me, that is all wrong. I think it is a basic problem which has nothing to do with joint use directly, but indirectly. We would not be facing the problems with joint use if we did not have these other problems.

Mr. INHOFE. That is true. Unfortunately, this very body in which we are serving does not help that situation. If they could grasp but one concept in Washington, that is that we do not have employees until we have employers, and employers are trying to go out there, venture their capital, take their risks, and to make a living. When we, as a government, come in and make it more difficult to do it, out in Oklahoma we have undergone a recession here that is unprecedented since the 1930's.

Yet, with the number of bankruptcies we have had there and the number of companies that have gone under, it is still the political system. The people do not understand that. They seem to think it is better politics since there are more employees than employers to cater to them. So the paperwork, the problems imposed on businesses, by Congress, by this body, are something that really needs to be addressed.

I think this subject is a product of that because this is one of the few things we can do that is going to avoid all that. If we went out today, and they will be doing it, and anyone who questions this, go up to Denver and watch what is going on, and we go into a new area to build a massive new regional airport, and we go into all the environmental impact statements and studies and meetings, and all this has to take place, all the paperwork, they probably equal all the construction costs.

We recently, with our chairman, and we are both on the Committee on Public Works, and I applaud the chairman, the gentleman from California [Mr. ANDERSON], for going around and having these infrastructure meetings. They had three out in my area. Our chairman called to our attention that the infrastructure needs of this country are really incredible. The little country of Japan, just last year they spent five times as much in the small country of Japan on the infrastructure needs as we spent in the entire country of the United States of America. So this is one of the few things we can do where we can expand that infrastructure. It is out there. It is just a matter of figuring out a way to make it work. I am very optimistic that this is the first time, probably in the last two decades, that I feel very optimistic that we will be able to resolve the problem. We will get a new level of cooperation, and I applaud the military for coming to the table, and the FAA and all who want to see this become a reality.

Mr. LIGHTFOOT. Mr. Speaker, if the gentleman will yield, one of the points on one of the hearings that we both attended, I think points out one of the problems that we face, and that was up in northwestern Arkansas.

Here is an area with three entrepreneurs who have set all kinds of records. Wal-Mart now is the largest retailer in the world, and J.B. Hunt is the largest truck line, or close, and Tyson Foods, the largest chicken handler in the world. Mr. Walton made the comment that his company will pay $900 million in personal corporate income tax this year. Next year they will be paying right at a billion dollars in personal, corporate income tax, which is roughly one man is paying one one-thousandths of the total revenue this Federal Government takes in, in a year's time. He cannot get a 4-lane road into his community, which has something in the neighborhood of 1,500 trucks a day moving in and out.

Mr. INHOFE. Remember what he said, though? That was Sam Walton, in addition to, after his coming up with the projection of a billion dollars in taxes, that they are going to be paying, he said, "I don't mind doing it." He is willing to do it. Yet, while he is willing to do it, he is wanting something that is relatively small to help the economy so that he can increase

that $1 billion, probably, to $2 billion in a few years, and he is not able to get that.

Of course, I have a selfish interest in that particular road, representing Tulsa, and the road that would open Oklahoma up to northwest Arkansas.

Mr. LIGHTFOOT. The point I was trying to get to, I guess, if we turn people lose with ideas and with dreams, that is one thing we still can do in this country that we cannot do anywhere else in the world. At the same time, there is an obligation, I think, on Government's part, to let people do that, rather than try to stifle it.

Unfortunately, we tend to be moving more and more toward the stifling aspect, and it just seems to me there is some basic economics that are not understood here, that without companies, without employees, without people working and generating revenue, there are no taxes. With no taxes, there is no money to do all these wonderful Government projects.

I think the gentleman and I agree, we as legislators and elected Members of this body have a responsibility to the people, paying those taxes to see that that money is spent in the wisest fashion. Quite frankly, it is not, in my opinion, but this is one small way that we could help that. Become more efficient, and at the same time solve some very serious congestion problems in the system.

Mr. INHOFE. I cannot think of a better note to end this on, since we are coming close to the end of our time. When the gentleman and I were over there in northwest Arkansas, and those three individuals that the gentleman mentioned, Don Tyson, Sam Walton, and J.B. Hunt, the largest in America, the largest in the world in their field, their respective fields, and we talk, about the American dream, they were all dreamers at one time. They started, they did it the hard way, they did it in the hills of northwest Arkansas. Of course, that spills over into my district, and perhaps I am a little more sensitive to this. When we look at the beautiful American dream that has come true with a few people to that extent, and we think of what small things we can do to help them, and yet they are treated like villains, many times, by the type of legislation that is cranked out of our political system, I think it is a disgrace. I think that perhaps these people can help others realize the same dream they had. They just need a little help.

One way to do that, without the expenditure of massive amounts of Federal money and taxpayer money is to do it through a cooperative joint use program between the military and civilian.

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the gentleman's leadership on this issue, and I will do everything I can to help.

Mr. INHOFE. I thank the gentleman for participating.

MISSED OPPORTUNITIES WITH IRAQ

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, since we returned from the August recess on September 10, we have had sort of a crippled session. The overshadowing concern has been the budget summit negotiations that were taking place, and that, of course, is very important. Next to the Mideast war, nothing has dominated the headlines as much as the budget summit and the concerns there.

I think the budget summit is the most important activity, regardless of the kind of headlines it gets. It is the overriding activity that relates to everything and certainly interrelated with the Middle East war. The Mideast war has an impact on the budget summit negotiations.

One problem is we have an administration which is preoccupied with the Middle East war at the time when these very important budget negotiations are going on. We also have an administration which is receiving very high ratings from the American people for its performance in the Mideast war situation. I would also give the administration very high marks for their reaction to the invasion of Kuwait by Saddam Hussein. Saddam Hussein has behaved like a modern-day Hitler, a 1990 Hitler, and we have no choice but to move or to contain that activity. I think the President was wise in calling upon the United Nations, and that the whole world has gotten involved, the Soviet Union in partnership with the United States, and all this bodes well for the future. I hope we are on the way to a new international order where no large country will invade small countries because of their respect for international order, and they know that the entire international community will react and condemn them and try to contain them. I hope Saddam Hussein and Iraq are contained.

The President gets very high marks for the way he reacted to the crisis in the Middle East. I think the President should get low marks, and the more the American people should understand that very expensive containment process now going on with more than 100,000 United States troops, and also tremendous amounts of materials and warships and planes, and et cetera, that would not have been necessary if they had not blundered so in the first place in diplomacy. The messages that were sent to Saddam Hussein from the time we armed Iraq, we participated in the armament of Iraq, along with the Soviet Union. The reason they have so many tanks and so many planes and such a tremendous machine is that we participated in that.

Even more recently, as our diplomats reported on the mood and the activities in the Iraqi capital and the behavior of Saddam Hussein, we missed, on several occasions, the opportunity to discourage that dictator from invading Kuwait.

□ 1550

We sent the wrong signals. If we had more professional diplomats, fewer amateurs and more professional diplomats, if we had more experts, we would have told Saddam Hussein very early in the game before he invaded Kuwait that we would not stand for it and history might be very different at this moment. History might be very much less expensive. The burdens on the American people might be fewer if our diplomacy operation had been handled in a much better way, but we did not do that, so we have the Mideast war. We have the Mideast war now being used in the budget summit negotiations as an excuse for maintaining military expenditures that are not necessary. We have a situation with the budget summit where we are holding on to military expenditures which do not have anything to do with the Mideast war.

The bases that are in Japan and the bases that are in Germany have nothing to do with maintaining troops in the Mideast, but we insist on holding on to them and not including them as part of this budget negotiation process.

We have a budget emergency. We have a very serious situation where even without Gramm-Rudman there is a serious situation of a deficit. We are spending so much more than we are taking in. We need to have some cuts, but instead of proposing to cut Medicare, instead of proposing to cut domestic programs over the next 5 years, all those extreme hardships being placed on the American people, why do the budget summiteers not recognize the emergency and say let us close down the bases in Japan tomorrow. Let us start the process of closing them down. It may take 4 or 5 years, but if you start tomorrow, this year we could probably save $25 billion closing down bases in Japan and Germany.

It was always a stupid policy to continue to maintain bases in Japan and Germany after they had become such prosperous nations and they were able to pay for their own defense. Why have we insisted on continuing to maintain such large bases, which absorb expenditures of more than $100 billion, those overseas bases? So

let us close them down as part of the emergency process.

We have a war in the Middle East. Concentrate on what has to be done in the Middle East and close down the bases in Germany and Japan.

During the budget negotiations, have they considered the CIA and the fact that we do not need such a big CIA? How much we need we can always debate later, but probably tomorrow you could cut the CIA, the Central Intelligence Agency, in half. They expend between $8 billion and $10 billion for what? Why do we need them?

The Russians who have severe economic problems have recognized that, so people in the streets of Russia are calling for the KGB to be dismantled. They are calling for the KGB expenditures to be decreased greatly. Why do we not decrease the KGB expenditures? In Russia, they are calling for that. Why do we not call for the decrease of expenditures for the CIA, which is becoming less and less needed? We need to spy on Iraq. We need to spy on some other nations, but still we do not need that apparatus that we had when the Soviet Union was our primary enemy and we needed very much to get information, although most of the information that is most significant about the Soviet Union has been gathered by satellite, not by the usual traditional sources. The cloak and dagger operations which cost so much money never have been worth what we paid for them.

We should recognize the emergency and overnight reduce the CIA by one-half. With base closings and the CIA, we could generate close to $30 billion or $40 billion if we were to do that, just a few examples of what could happen, but because we have the present crisis in the Mideast, the budget summiteers are paralyzed in their thinking. They are thinking in very traditional ways. They do not want to touch the military. They do not want to touch the CIA, and therefore they are going to go after Medicare. They are going to go after domestic programs.

Not a single child in this Nation who is a part of the WIC Program, the Women, Infants and Children Program, where we provide nutrition programs, milk, cereal, orange juice, not a single baby should have to suffer and get less orange juice or less milk or less cereal because of the Mideast war.

First of all, the sheiks and the kings who are very rich can afford to pay the cost of the war. They cannot pay the cost that the American people have to pay in terms of families being separated, in terms of the hardship and the inconvenience, there are a number of things they can never pay for; but at least with all their billions of dollars they could pay for the cost of the war, and we should not have to reduce any programs for people who are poor in this Nation in order to pay for that war.

We also should ask the sheiks and the kings of Saudi Arabia and Kuwait to give us some kind of rebate on the high fuel costs that we are going to be forced to pay, or are being forced to pay. When the war started, the fuel costs went up. That was price gouging by our own local and national companies and merchants, but we have more to come. People are going to freeze this winter because they cannot afford to pay the high oil costs. Those high fuels costs do not need to be. The Saudi Arabians and the Kuwaitis are profiting from the rise in the price of crude oil. Let them give back that money that they are getting, the difference between the price before the war and the price after the war started, let them give back to the United States to give to poor people, to give to people who cannot afford the cost of these terrific increases in fuel for this winter.

The budget summit relates to the Mideast war. The budget summit relates to everything.

You know, there is a problem in Washington that some things are not talked about at all during that process of the budget summit, but they very much are a part of it. One phantom, one invisible issue on the table at the budget summit which is not being discussed is the savings and loan crisis. The bailout of the savings and loan associations is very much a part of the thinking of the people at the budget summit.

What the administration is trying to do and will not admit it is to make the budget and make the economy safe for the absorption of the tremendous savings and loan bailout cost. We do not talk about it now, but in a few weeks we are going to see a stampede attempted. They are going to attempt to stampede us into approving something related to the bailout, without knowing the full facts, the full ramifications of the impact. Either in a few weeks or in a lameduck session after the November elections, we are going to have to deal with the savings and loan associations as the single biggest domestic expenditure, and yet the budget summit now goes forward. They are talking about cutting domestic expenditures, and yet never mentioning the single biggest domestic expenditure, which is the bailout of the savings and loan associations. The taxpayers' money is being used to make up for the money that the crooks have walked off with already. That is going to cost us over the next 10 years, the most conservative estimate now is $500 billion over the next 10 years. That is the most conservative estimate over the next 10 years.

Also related to the budget summit and the S&L's is the fact that next week we are going to be discussing a crime bill, a bill to deal with crime, mostly crime in the streets. We are giving far too little attention to crime in the bank boardrooms. White collar crime is not given nearly enough attention in the crime bill.

The conservatives on the other side who jump up and down all the time, yelling for the death penalty, have not called for the death penalty on people who are guilty of economic crimes on a massive scale. There are people guilty of economic crimes who have ruined the lives of thousands of people.

Thank God for the prosecutors in California. Charles Keating has finally been treated like the criminal that he is. Charles Keating has finally been arrested. Charles Keating has finally been put in jail. Charles Keating, probably the No. 1 criminal in America at this point, Charles Keating has ruined the lives of far more people than any other criminal in the country. Charles Keating is probably the most obscene man in America, if you define obscenity the way Webster's Dictionary defines obscenity. Obscenity is anything that is morally repugnant. I mention this because Mr. Keating is known as a crusader against pornography. Well, he is the most obscene man in America in that he has been guilty of a moral repugnance on a magnitude far greater than any other American. There are more than 21,000 people, most of them widows, most of them senior citizens, who invested in junk bonds that Mr. Keating sold in the lobbies of his banks.

□ 1600

He deliberately pretended that those junk bonds were secured by Government deposits, Federal deposits secured those junk bonds. That is deliberate fraud. The people, the 21,000 people or more who bought those securities have lost everything. There is no taxpayer guarantee behind those bonds to bail them out; 21,000 people, more than $210 million.

This is an obscene action, just that one act.

But Mr. Keating is guilty of a whole series of activities similar to that, including paying his family millions of dollars for work that his sons-in-law, daughters, wife were supposed to have done.

So thank God for the California prosecutors. They had the integrity, they had the guts to arrest Mr. Keating and call Mr. Keating a criminal. However rich he might have once been, and may still be with his deposits in Swiss banks, Mr. Keating is a criminal. The Justice Department here in Washington cannot bring themselves to deal with the savings and loan association thieves as true criminals.

All they have done is bring civil suits against Mr. Keating. They have civil suits outstanding. That is the best they can do. Mr. Keating has been responsible for the loss of more dollars, millions, billions of dollars, than slick Willie Sutton ever could have gotten away with.

Some of us may remember slick Willie Sutton, the great bank robber. Mr. Sutton was a great bank robber, he has been romanticized as being a very smart man. But slick Willie Sutton never stole in his life—if you add up all the money he stole or tried to steal and got caught—he never reached $1 million in all of his long career.

Incidentally, in all of Willie Sutton's long career, he spent more time in jail in his adult life than he spent out of jail.

He was famous for being able to escape. He failed on more attempts than he succeeded. He has been a romanticized criminal.

He robbed banks and used to tell the prosecutors and tell people in the bank, "Don't worry, the Government insures the money, your money is going to be safe." He was the forerunner of Charles Keating. He knew if the Government is insuring the money, individuals do not have to worry about it, including people in charge of the bank.

That has been the philosophy of the chief executive officers of too many savings and loan associations; because the Government insures the money, the Government is the taxpayer, nobody really cares, they spent and spent and spent. So this is the issue not being discussed.

In the quiet madness that takes place in Washington, and there is sometimes a madness when you have a major issue like the savings and loan associations and the expense that it is going to cost us, $500 billion in the next 10 years, nobody even wants to discuss it at the budget summit. Then there is something radically wrong.

But it is the undiscussed issue, the phantom issue, it is there at the budget table. I am sure the administration has in mind how they are going to maneuver and save as much money as possible off the Medicare recipients and other deserving recipients in order to be able to have more money to put into the savings and loan bailout. They will hit us with that at a later date.

Legislation for the savings and loan bill is being saved for the last-minute stampede, as I said before.

But regardless of whether it is discussed, no matter how much we engage here in Washington in the sin of omission—and the sins of omission are as great as the sins of commission—sins of omission, especially when legislators and public officials and people who have the public trust, when they engage in sins of omission, they certainly take on a devastating, deadly, disastrous character.

We are omitting to deal with it, with this major problem, but it is there, it will not go away.

We have an ongoing problem. The Resolution Trust Corporation is still moving. The Resolution Trust Corporation has told us already that they are broke or they will be out of money by the end of this month.

Remember, we appropriated $50 billion, and they said it was going to be enough; $50 billion was appropriated. That $50 billion, along with the expense of running the Resolution Trust Corporation and all the interest it would absorb is going to come to about $156 billion before it is over.

The $50 billion has run out now, and we are going to be asked for more, and, with the high interest cost, also having an impact on the overall economy.

So the Resolution Trust Corporation is running out of money, and the issue is going on right now no matter how much we ignore it.

The Resolution Trust Corporation is recycling the corruption that was involved in the first place. Many of the same people, the same people who are the cause of the problem, who created this problem, who stole money at the banks in the first place, many of those same executives, those same staff people have been rehired by the Resolution Trust Corporation to solve the problem.

The Resolution Trust Corporation has turned to some of the old boys in the thieves network, resold banks to people whose records—who violated the laws, did not fill out the forms properly, billions of dollars.

We know how closely the IRS checks our tax records. We know how it is to deal with the Government bureaucracy on any matter. You go in for Social Security, and other transaction that involves some small thing with the Government, there is plenty of redtape, lots of forms to fill out. But they just casually gave away 14 savings and loan associations to a man named James Fail, F-a-i-l. That name fits very well with what has been happening in the savings and loan associations.

Mr. Fail, who had a criminal record for an indictment which would have disqualified him from participating in the transaction at all, just did not bother to fill out the form on that matter, and it was overlooked by people all the way to the very top in Washington.

So we have not only the old crooks, we have new crooks being brought into the process of bailing out the savings and loan associations, new kinds of crime being committed every day.

Just last week, it was revealed that the bailout for the savings and loan associations, the transactions which were completed at the end of 1989—remember, there was a great rush by the FSLIC to finish the bailout process, to sell off certain failing banks and do it before December 31, 1989, in order to take advantage of the tax relief that they could get—in that rush they told us they gave away $40 billion in terms of tax writeoffs and Government sweeteners, various things the Government would do for them, those people who bought those banks.

They said $40 billion. We said that is too much.

Now we have discovered it was twice as much, more like $80 billion was given away, $80 billion of the taxpayers' money given away to cover up and take care of a situation which thieves and crooks created in the first place.

The RTC now is following that same pattern. They are recycling the corruption. If you are an old boy and you have been in that network, you can get employed, you will get immediate action. They have no system for hiring which is based on merit. There is no objective system for hiring. Probably there is a lot of partisan activity going on in terms of hiring.

In Texas, where most of the problem has been created, Texas has 70 percent of the banks that failed. Texas has 70 percent of the thievery. Texas is benefiting greatly because the bailout process is bringing all the billions that were stolen back in, to bail out the situation and hiring large numbers of people.

The best job creation program in Texas right now is the Resolution Trust Corporation. They are hiring the same people who made the mess.

The RTC is continuing to give away the taxpayers' money in deals that are not as bad as the deals that took place before December 1989, but the deals that they are continuing to participate in are almost as bad and are very flagrant in terms of the use of taxpayers' money in a careless way.

The RTC is continuing to give away money to people who are not insured. The American people should clearly understand that we have an obligation, we have an obligation to return the money, guarantee that the money will be there for all the depositors who deposited in banks that were part of the Federal system, either the FDIC or the FSLIC system. We have an obligation, and without a doubt we should fulfill that obligation, pay the people, make certain they get their money.

But the RTC is giving away money to people who are not insured, following precedents set by the FDIC. There are some banks that we think are too big to let fail and some depositors, foreign depositors in particular, do not want to lose their money. I do not know where they get the authority for it. I do not understand. I am not on

the Banking Committee. I am not a banker. There are a lot of things I do not understand.

But I want to know where they get the authority to give money to people who do not—whose deposits are not insured.

If you deposited more than $100,000, then anything above $100,000 is not insured. Nevertheless, they are giving the people who deposited above $100,000, they are returning their money too.

The taxpayers are being very generous. The taxpayers are also being generous to foreign investors like the Japanese company which bought a huge golf course in Texas. The golf course was always a little overpriced. They spent $340 million to build the golf course, add swimming pools, riding stables and all of the very best, but it was not a sound investment in the first place.

So when the bank that financed all of that went under, the RTC had jurisdiction over it.

□ 1610

They sold it to a Japanese concern, and the amount they paid for it, the difference between the amount they paid for it and the amount that the taxpayers have to cover, was something like $200 million; $200 million was a gift to this Japanese firm that bought this state of the art golf course, country club, swimming pool complex in Texas.

The RTC, on the other hand, is minimizing prosecutions. The FBI, the Justice Department, the Attorney General; they are all cooperating in a conspiracy. I call it a conspiracy because I think it is deliberate. I think political decisions have been made that there would be a minimum amount of prosecutions of people who are involved in the savings and loan swindle. There would be a minimum prosecution because so many of them belong to the old boys' network, so many of them are political contributors, so many of them are upstanding, upright citizens in their communities, and instead they are stealing the taxpayers blind.

All of these reasons go into looking at crooks who walked off with millions of dollars and saying, "We will not spend the money it takes to track down these people, to pressure them to prosecute them. It is too complicated. We are going to just take these losses."

Nobody has asked the taxpayers if they are willing to take such losses. In fact, the taxpayers have demonstrated that they have far more sense than our Government policymakers. They have far more integrity, far more credibility, in their decisionmaking than the present administration. The taxpayers are quite angry, whereas commentators and politicians want to place the blame on the President for this savings and loan swindle, and they want to place it on Congress. The taxpayers, the people who are the general public, and several polls have shown, that they placed a primary blame on the executives in the savings and loan associations, that nobody made anybody steal money. Nobody made anybody be incompetent. Nobody made anybody dishonest.

Sure, the President, President Reagan deserves a whole lot of responsibility for his deregulation drive, for the removal of constraints. He set up a situation where the maximum opportunities for stealing were created. Congress did not stop it. Congress is guilty partially also.

But the public, the general public, the voters out there, say at least 80 percent of the blame goes to the executives who stole the money, the executives who did not manage the money properly, the banks themselves, and that is the way it should be.

If a hungry child on the streets of my distirct steals a loaf of bread, or a piece of ham or some canned goods, nobody says we blame the system for the child's hunger. The child will be tracked down, caught, and there will be some kind of prosecution. Small amounts. Anybody bothers to rob a grocery store, nobody is going to say he was hungry, and the grocery store set that cash register too close to the street, or they should have locked up at 8 o'clock when the sun was still shining instead of waiting until 9 o'clock so that the crook could come in under cover of darkness. The blame is not placed on the victims. The blame is not placed on the regulators. The blame is not placed on the owner of the store. The blame is placed on the person who went in and said he wanted the money out of the cash register.

Nobody makes a person a thief. No political situation creates an automatic thief. The opportunities are created.

Mr. Keating did not have to behave the way he has behaved. Mr. Keating had a drive to become an empire builder. He has numerous fancy hotels and numerous private villas, all kinds of things that he could have done without. Nobody said he had to do that and, in the process of doing that, steal from the Govenment; in the process of doing that, sell securities in the lobbies of his banks and pretend that those securities were guaranteed. So, the final blame lies on the people who committed the crimes.

Prosecution should not be a secondary concern. Prosecution should be our first concern. If we prosecute vigorously, then we will recover more of the taxpayers' money than we have been able to do so far. So far, small amounts have been able to be recovered because the Attorney General, and I think this is part of administration policy, has minimized prosecution.

The FBI is living a lie when they say they go after bank robbers if they do not go after these white collar bank robbers. The FBI says these cases are very complicated, and they say they cannot do it, they do not have the manpower, so they pick and choose, and, for every one that they investigate, they let a hundred or so others go away.

Look at the record so far in terms of prosecutions. We have a situation which is atrocious. Today we have 21,000 cases referred for investigation to the FBI; 21,000 cases, only 403 defendants have been charged. Of the 403 defendants charged, 316 have been convicted. Out of 316 convicted, 77 percent have been sentenced to prison, but the prison terms have been fairly short.

As my colleagues know, we have a situation where crime does pay. We are demonstrating that, if someone is a white collar criminal, if someone is within the banking system, crime does pay.

The best avenue toward opening up new ways to recover money is to prosecute these criminals and prosecute them vigorously. If we prosecute, and prosecute vigorously, they will turn. Some will give us information on others. If we prosecute, and prosecute vigorously, these white collar criminals will find they know where some of the money is kept. They will get it out of the Swiss banks. They will get it out of the vaults. We would recover far more money if we treat white collar criminals like we treat all other criminals.

Why not treat them like we treat all other criminals? Why is there a double standard?

As my colleagues know, they have actually stolen so much more. They have actually tampered with the moral foundation of the Nation. They are much worse criminals.

When the crime bill comes before us next week and we hear the calls for the death penalty, my colleagues know I will be voting against the death penalty. I am not in favor of the death penalty. I do not think it does any good at all for society. It just dehumanizes society. I will not get into all of that at this point, but I want to know why the same people who yell for the death penalty in so many cases will not also yell for the death penalty for a person who has stolen billions of dollars and ruined the lives of thousands of people. I will certainly insist that we call for life in prison.

Mr. Speaker, I want to applaud the Members of the other body because, when they passed their crime bill, they insisted that kingpins in the S&L swindle, those people who were in po-

sitions where they control a lot of decisionmaking and oversaw situations where billions of dollars were lost, those people should get life in prison. Life in prison should be at the top of the sentencing structure. I am 100 percent for that provision. We should treat the S&L criminals on the magnitude of their crimes. They are not just sins. They are crimes.

Last week I introduced a bill, an amendment, a bill which amends the bill, our S&L bailout bill, which calls for drug tests to be administered to all the executives of failed savings and loan associations. What I told some of my colleagues was that I wanted to introduce such a bill, and they were horrified. They asked, "Why do you need that?"

Mr. Speaker, we need that because we have criminals routinely subjected to drug tests. Well, when an S&L fails, the board members, the chief executive, the chief staff, they are not automatically criminals. There may be a situation where it failed because of other reasons, but I think that, just as we require when a plane is wrecked and there is a plane crash, or when there is a crash of a train, we require that the engineer and the people who are involved must take drug tests, and we require that the pilots involved in a crash, if they live, they must take drug tests; so, I am saying, "When a failed savings and loan association, when that occurs, then we have good reason to act for a drug test."

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In fact, I wrote a little poem, which I will not quote all of, but some of it goes as follows:

Just like we treat the rest
After each bank calamity
Make the big shots take the bottle test . . .
Losing millions on each deal
They had to be on a poison pill . . .
CEO's just had to be high
Everyday investing in pie-in-the-sky
Spending money by the millions
Buying intricate Persian rugs
These loonies must've been doing drugs. . . .
Babies and seniors will suffer
From this monstrous mega-sin
Masterminded by greed addicted men.
For their awful habits
The bills have now come due
The inept IRS will be sending them out
For payment by me and by you.
Finally the overdoses have halted
But for decades to come
The general welfare will be defaulted. . . .

This is as a result of what these people have done. Therefore, let them take drug tests, just like the rest. Let us find out whether or not their activities, which were so bizarre, the kinds of ways in which they spent money on objects, on yachts, on expensive paintings, on the very finest silver, on golden faucets and bathroom fixtures, it makes me think that they must have been on something. We could probably search the records of those who were convicted and find that there is quite a bit of evidence supporting my suspicion. Let us just talk about one case.

Duayne D. Christensen, a founder and chairman of North American Savings and Loan Association of Santa Ana, CA, both Duayne D. Christensen and his chief assistant and mistress, Janet McKinzie, stole approximately $40 million from that thrift, that savings and loan, between 1983 and 1987.

These are not conjectures: This is the case that has been handled, it has been prosecuted.

In 1987, the FSLIC assumed control of the thrift because things were going so badly. Mr. Christensen was a dentist. He and McKinzie, according to North America employees, consumed paper bags full of prescription drugs every week, and were often visibly high. Everybody understood they were on drugs during office hours. They had trouble just walking about.

Mr. Christensen killed himself, or he was killed, I will not say he killed himself, when he drove his Jaguar into a bridge support on the day that the bank authorities took over his savings and loan association. Ms. McKinzie is now on trial for racketeering. Her defense is that she was too high on drugs to know what she was doing. That is what her defense is.

This is a small operation. Liquidating the Northern America Savings and Loan Association which Christensen and McKinzie headed only cost the taxpayers $120 million.

This is not a $1 billion operation like Mr. Keating's. Charles Keating's operation eventually will cost the taxpayers at least $2 billion. At least $2 billion. I think Mr. Keating should be given a drug test. I think that everybody else involved in the savings and loan situation should be given a drug test. I think we should lay aside our scruples about white-collar professionals and treat them like we treat any other thugs, street criminals, and we would get a different result.

It is not that I want to be vindictive. It is not that I want to make these educated men from Harvard and Yale and the best schools in the Nation, our best and our brightest minds, MBA's, accountants, lawyers, it is not that I want to make life difficult for them. I am not engaged in class warfare. But I think if you treat them like criminals and you send that message to the whole lot, you send that message to the American people, we will get a different result. We will start to have more prosecutions, start to have more confessions, start to have more recoveries.

The ultimate aim is to recover some of the billions that have been stolen.

It is not farfetched to assume that some of them were drug addicts, or were on drugs. Many of them were criminals. Clearly many of them were criminals and consorting with criminals.

Read the following books. "The Inside Story of the S&L Mess" by Paul Zane Pilzer with Robert Deitz, published by Simon & Schuster. Read "The Looting of America's Savings and Loans" by Stephan Pizzo, Mary Fricker, and Paul Muolo.

This clearly focuses on the involvement of organized crime, the intricate involvement of organized crime.

In my own State of New York a recent failed savings and loan association clearly was associated with organized crime. There is a whistleblower from the Federal Government who was working for the FSLIC who called attention to this 2 years before the bank failed. She was fired. We are trying to get her a job in the ROTC, and she is being told, your record shows that you are not the kind of person we want.

The third book to read is, "How Did It Happen?" by Edward J. Kane. Of course, there are numerous other papers that have been written, and many of them will show that there were not shady practices by reputable people, or not just malfeasance or mismanagement, although that happened on a large scale, but also organized crime saw the weakness. Organized crime had chains and networks of operations roaming back and forth to each other, raising the price of worthless land and worthless buildings. They probably increased their capital assets by $1 trillion during the last 10 years.

Organized crime that perpetrates the drugs, that perpetrates the prostitution, that perpetrates all kinds of activities which eat away at the moral fiber of our Nation, that organized crime was given a big boost by the looseness of the savings and loan association situation. But Mr. Thornburgh, our Attorney General, wants to go slow. He wants to take it easy on prosecution. He wants to make a minimum amount of prosecutions.

Conservatives on the other side of the aisle and conservatives in general have not been very vocal in their denunciation of the kinds of activities that took place in the savings and loan associations. There is too much unstated protection, too much silence which protects the "old boys network" which walked off with billions and billions of dollars, which are guilty of the greatest obscenities, that committed morally repugnant acts on a major scale. They just plain stole money. They are thieves, white collar professional thieves. They may go to church, they may wear the best of suits, they may drive the nicest cars, they may live in the best neighborhoods, but they are thieves, and we should treat them like thieves in order to get to the bottom of the greatest scandal this

Nation ever faced, a scandal which will have an impact on everything we do in Washington for the next 10 to 20 years.

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.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

(The following Members (at the request of Mr. INHOFE) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on October 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. CRANE, for 60 minutes, on October 2.

Mr. WALKER, for 5 minutes, today.

Mr. INHOFE, for 60 minutes each day, on September 24, 25, 26, 27, and 28.

(The following Members (at the request of Mr. OWENS of New York) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Ms. PELOSI, for 60 minutes each day, on September 25, 26, and 27.

Mr. GAYDOS, for 60 minutes each day, on September 25 and 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. LOWEY of New York to revise and extend on Aucoin/Machtley/Fazio amendment to H.R. 4739.

(The following Members (at the request of Mr. INHOFE) and to include extraneous matter:)

Mrs. ROUKEMA in two instances.

Mr. BROOMFIELD.

Mr. LOWERY of California.

Mr. MOORHEAD.

Mr. McDADE.

Mr. MICHEL.

Mr. HASTERT.

Mr. BLAZ.

Mr. MACHTLEY.

(The following Members (at the request of Mr. OWENS of New York) and to include extraneous matter:)

Mrs. KENNELLY.

Mr. McMILLEN of Maryland.

Mr. VENTO.

Mr. JACOBS.

Mr. MURTHA.

Mr. HAMILTON.

Mr. YATRON.

Mr. NEAL of Massachusetts.

Mr. DONNELLY.

Mr. DYSON.

Mr. BILBRAY.

Mr. UDALL.

Mr. RICHARDSON.

Mr. SOLARZ.

Mr. DORGAN of North Dakota.

Mrs. UNSOELD.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 568. Joint resolution designating the week beginning September 16, 1990, as "Emergency Medical Services Week."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2205. An act to designate certain lands in the State of Maine as wilderness; and

S.J. Res. 313. Joint resolution designating October 3, 1990, as "National Teacher Appreciation Day."

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.) under its previous order, the House adjourned until Friday, September 21, 1990, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3905. A letter from the Secretary of the Navy, transmitting notification of the proposed transfer of the obsolete destroyer *Turner Joy* (DD 951) to the Bremerton Historic Ships Association, Bremerton, WA, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

3906. A letter from the Under Secretary for Policy, Department of Defense, transmitting on behalf of the President, the U.S. Government data base on NATO and Warsaw Pact forces and equipment; to the Committee on Armed Services.

3907. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting corrections in the materials submitted to the Senate Foreign Affairs Committee by G. Philip Hughes, Ambassador-designate to Barbados; to the Committee on Foreign Affairs.

3908. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3909. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3910. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3911. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3912. A letter from the Secretary of Interior, transmitting a copy of the Onshore Oil and Gas Leasing Report, fiscal year 1989, pursuant to 30 U.S.C. 226 nt.; to the Committee on Interior and Insular Affairs.

3913. A letter from the Secretary of Commerce, transmitting the Department's Status Report of the Clearinghouse for State and Local Initiatives on Productivity, Technology and Innovation, pursuant to section 5122(d) of the Omnibus Trade and Competitiveness Act of 1988; to the Committee on Science, Space, and Technology.

3914. A letter from the Secretary of Energy, transmitting a report entitled, "Alternative Energy Research and Development Strategies in the Context of Global Climate Change"; to the Committee on Science, Space, and Technology.

3915. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the review of the 1988 insolvent institution cases resolved by the FSLIC, including structuring any agreements, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); jointly to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 2840. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes; with amendments (Rept. 101-657, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 468. Resolution providing for the consideration of H.R. 4450. A bill to improve management of the coastal zone and enhance environmental protection of coastal zone resources, by reauthorizing and amending the Coastal Zone Management

Act of 1972, and for other purposes (Rept. 101-718). Referred to the House Calendar.

Mrs. SLAUGHTER of New York: Committee on Rules. House Resolution 469. A resolution providing for the consideration of H.R. 5314. A bill to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes (Rept. 101-719). Referred to the House Calendar.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 486. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes, with an amendment (Rept. 101-724). Referred to the Committee of the Whole House on the State of the Union.

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. 2937. A bill for the relief of Rodney E. Hoover (Rept. 101-720). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 4356. A bill for the relief of John Barren (Rept. 101-721). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. House Resolution 308. A resolution referring the bill (H.R. 3893) for the relief of Banfi Products Corp. to the chief judge of the U.S. Claims Court, with amendments (Rept. 101-722). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing and bills referred as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 4300. A bill to amend the Immigration and Nationality Act to revise the system of admission of aliens on the basis of family reunification and to meet identified labor shortages, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than September 25, 1990, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 101-723, Pt. 1). Ordered to be printed.

Mr. BEILENSON: Permanent Select Committee on Intelligence. H.R. 5422. A bill to authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and, for other purposes, with amendments; referred to the Committee on Armed Services for a period ending not later than September 28, 1990, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), Rule X (Rept. 101-725, Pt. 2). Ordered to be printed.

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. JONES of North Carolina:

H.R. 5665. A bill to reauthorize and amend the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLER of California:

H.R. 5666. A bill to authorize grants and contracts for projects providing primary pediatric care to disadvantaged and homeless children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOPER (for himself and Mr. ROGERS):

H.R. 5667. A bill to amend the Water Resources Development Act of 1974 to establish a deadline for the transfer of jurisdiction of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

By Mr. DONNELLY:

H.R. 5668. A bill to amend the Internal Revenue Code of 1986 to treat options held by certain tax-exempt organizations to acquire low-income housing in the same manner as such options held by tenants of the housing; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 5669. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN (for himself, Mr. HYDE, Mr. YATRON, Mr. DOUGLAS, Mr. KOSTMAYER, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. FRANK, Mr. MCCOLLUM, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. BERMAN, Mr. SMITH of Florida, and Mr. LEVINE of California):

H.R. 5670. A bill to provide a new civil cause of action in Federal law for international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against U.S. nationals; to the Committee on the Judiciary.

By Mr. GORDON (for himself and Mr. SLATTERY):

H.R. 5671. A bill to protect the public interest by providing for regulation and oversight of the development and application of the technology known as audiotext, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HASTERT:

H.R. 5672. A bill to amend title 10, United States Code, to provide that members of the Armed Forces who are Sikhs shall be allowed to wear turbans, and to have beards and hair lengths, in accordance with the dictates of the Sikh faith; to the Committee on Armed Services.

By Mrs. KENNELLY:

H.R. 5673. A bill to amend the Internal Revenue Code of 1986 to disallow losses from certain exchanges of debt pools, and for other purposes; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 5674. A bill to provide for the appointment of two additional bankruptcy judges for the judicial district of Arizona; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. UDALL):

H.R. 5675. A bill to authorize expansion of the Saguaro National Monument; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE (for himself, Mr. NOWAK, Mr. HORTON, Mr. HOUGHTON, Mr. PAXON, and Ms. SLAUGHTER of New York):

H.R. 5676. A bill to authorize the use of the symbols and emblems of the 1993 Summer World University Games; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 5677. A bill to establish the National Commission on Entrepreneurial Education; to the Committee on Education and Labor.

By Mr. MACHTLEY:

H.R. 5678. A bill to direct the Secretary of State, together with the Attorney General, to enter into negotiations with other countries to provide for the incarceration in those countries of illegal aliens in the United States imprisoned for Federal offenses; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. MADIGAN (for himself, Mr. WAXMAN, Mr. LENT, Mr. TAUKE, and Mr. NIELSON of Utah):

H.R. 5679. A bill to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act; to the Committee on Energy and Commerce.

By Mr. MARTINEZ:

H.R. 5680. A bill to settle the Black Hills claim with the Sioux Nation of Indians; to the Committee on Interior and Insular Affairs.

By Mrs. MEYERS of Kansas (for herself, Mr. SMITH of Vermont, and Mrs. SCHROEDER):

H.R. 5681. A bill to provide a method of locating private and Government research on environmental issues by geographic location; to the Committee on Science, Space, and Technology.

By Mr. MOORHEAD:

H.R. 5682. A bill to clarify the authority of the Commissioner of Patents and Trademarks to conduct educational assistance programs at the Patent and Trademark Office in the Department of Commerce, and to exclude the benefits under these programs from the gross income of employees of the Patent and Trademark Office, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. MORRISON of Connecticut:

H.R. 5683. A bill to amend the Internal Revenue Code of 1986 to reinstate the windfall profit tax on domestic crude oil; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 5684. A bill to amend the Internal Revenue Code of 1986 to provide that certain expenses of travel, meals, and lodging of members of the National Guard or Reserve units of the Armed Forces will be allowable as deductions in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BENNETT:

H. Con. Res. 372. Concurrent resolution to express the sense of Congress that operations of the Armed Forces in the Persian Gulf should be conducted under the jurisdiction of a United Nations command, and that Congress must approve any offensive military action against Iraq; to the Committee on Foreign Affairs.

By Mr. DORGAN of North Dakota:

H. Con. Res. 373. Concurrent resolution in opposition to the President's proposal to forgive the military assistance debt owed to

the United States by the Government of Egypt; to the Committee on Foreign Affairs.

By Mr. WELDON:

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to Saddam Hussein and other Iraqi leaders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

500. By the SPEAKER: Memorial of the legislature of the State of California, relative to earthquake programs; to the Committee on Banking, Finance and Urban Affairs.

501. Also, memorial of the legislature of the State of California, to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHUMER introduced a bill (H.R. 5685) to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 201: Mr. LIPINSKI and Mr. PERKINS.

H.R. 211: Mr. MADIGAN.

H.R. 214: Mr. TRAXLER.

H.R. 1132: Mr. PARRIS.

H.R. 1400: Mr. NOWAK, Mr. SMITH of Vermont, Mr. SOLARZ, Mr. SCHEUER, Mr. TOWNS, and Mr. LENT.

H.R. 1515: Mr. SCHUMER.

H.R. 1784: Mr. EMERSON and Ms. SNOWE.

H.R. 2816: Mr. GORDON.

H.R. 2840: Mr. FISH.

H.R. 3251: Mr. FISH.

H.R. 3267: Mr. PORTER.

H.R. 3289: Mr. JAMES.

H.R. 3776: Mr. WAXMAN.

H.R. 3864: Mr. FISH.

H.R. 3906: Mr. JOHNSTON of Florida, Mr. LIPINSKI, Mr. MCEWEN, and Mr. FAUNTROY.

H.R. 3914: Mr. WAXMAN.

H.R. 3924: Mr. HERGER.

H.R. 4184: Mr. GUARINI and Mr. FASCELL.

H.R. 4224: Mr. KASTENMEIER.

H.R. 4264: Mr. DYSON, Mr. WEISS, Mr. COURTER, Mr. TRAFICANT, Mrs. LOWEY of New York, Mr. WOLPE, and Mr. FISH.

H.R. 4297: Mr. ECKART.

H.R. 4424: Mr. SOLOMON and Mr. INHOFE.

H.R. 4475: Mr. SIKORSKI, Mr. HUCKABY, Mrs. BOXER, Mr. NELSON of Florida, Mr. HUNTER, Mr. HOPKINS, Mr. EMERSON, Mr. BOEHLERT, Mr. DORNAN of California, Ms. LONG, Mr. MCMILLAN of North Carolina, Mr. FOGLIETTA, Mrs. LOWEY of New York, Mr. MFUME, Mrs. BENTLEY, Mr. BENNETT, Mr. SISISKY, Mr. ROGERS, Mr. CARDIN, Mr. RHODES, Mr. SAXTON, Mr. STANGELAND, Mr. GOODLING, Mr. WATKINS, Mr. KOLBE, Mr. WOLF, and Mr. WILSON.

H.R. 4506: Mr. CROCKETT, Mr. SOLARZ, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mrs. BOXER, and Mr. DWYER of New Jersey.

H.R. 4690: Mr. LEATH of Texas, Mr. OLIN, and Mr. LIPINSKI.

H.R. 4752: Mr. DAVIS.

H.R. 4830: Mr. CLAY and Mr. SHAW.

H.R. 4873: Mr. JOHNSON of South Dakota.

H.R. 4972: Mr. FISH and Mr. CLINGER.

H.R. 4975: Mr. MADIGAN.

H.R. 4994: Mr. FISH and Mr. PALLONE.

H.R. 5007: Mrs. BYRON.

H.R. 5011: Mr. SUNDQUIST and Mr. FISH.

H.R. 5041: Mr. GOSS.

H.R. 5097: Mr. PAYNE of Virginia.

H.R. 5217: Mr. LANCASTER and Mr. FISH.

H.R. 5226: Mr. BONIOR, Mr. RANGEL, Mr. LIPINSKI, and Mr. EVANS.

H.R. 5231: Mr. MILLER of California, Mr. STOKES, Mrs. KENNELLY, Mr. HAWKINS, Mr. MILLER of Washington, and Mr. LEHMAN of Florida.

H.R. 5288: Mr. MOODY.

H.R. 5297: Mr. MCGRATH.

H.R. 5302: Mr. BLAZ.

H.R. 5340: Mr. CLINGER.

H.R. 5364: Mr. MADIGAN.

H.R. 5428: Mr. BRUCE, Mr. BUSTAMANTE, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HYDE, Mr. PORTER, Mr. RICHARDSON, Mr. ROSTENKOWSKI, Mr. RUSSO, and Mr. SAVAGE.

H.R. 5434: Mr. OWENS of New York, Mrs. COLLINS, Mr. EVANS, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mr. ECKART, Mr. MCNULTY, and Mr. DEFAZIO.

H.R. 5468: Mr. RAVENEL, Mr. HOCHBRUECKNER, Mr. ECKART, Mr. JONTZ, Mr. KOLTER, Mr. KILDEE, and Mr. JOHNSON of South Dakota.

H.R. 5480: Mr. PELOSI, Mr. LEWIS of Georgia, Mr. WALSH, Mrs. UNSOELD, Mr. JAMES, and Mr. FRANK.

H.R. 5481: Ms. ROS-LEHTINEN, Mr. GALLEGLY, Mr. LEWIS of Florida, and Mr. ROE.

H.R. 5489: Mr. HEFLEY.

H.R. 5580: Mr. WALGREN and Mr. ROE.

H.R. 5585: Mr. PETRI, Mr. BARTON of Texas, Mr. HOUGHTON, Mr. GALLO, Mr. DERRICK, Mrs. JOHNSON of Connecticut, Mr. WELDON, Mrs. MEYERS of Kansas, Mr. DREIER of California, Mr. SCHUETTE, Mr. HEFLEY, Mr. GALLEGLY, Mr. SKEEN, Mr. KYL, Mr. CRANE, Mr. SOLOMON, Mr. GOODLING, Mr. KOSTMAYER, Mr. BILIRAKIS, Mr. BALLENGER, Mr. MCCANDLESS, Mr. BROWN of Colorado, Mr. FISH, Mr. INHOFE, Mr. HANSEN, Mr. JACOBS, Mr. BUNNING, and Mr. RAVENEL.

H.R. 5603: Mrs. MORELLA.

H.R. 5625: Mr. RAHALL.

H.J. Res. 439: Mr. FISH.

H.J. Res. 509: Mr. BOEHLERT, Mr. BUECHNER, Mr. BARTLETT, Mr. FISH, Mr. CONTE, and Mrs. LOWEY of New York.

H.J. Res. 543: Mr. RITTER, Mr. YOUNG of Florida, and Mr. BRUCE.

H.J. Res. 566: Mr. SMITH of New Jersey, Mr. PAXON, Mr. DEFAZIO, Mr. TAUZIN, Mr. PALLONE, Mr. MCGRATH, Mr. STANGELAND, Mrs. PATTERSON, Mr. CLINGER, Mr. PASHAYAN, Mr. MCDADE, Mr. COLEMAN of Texas, Mr. MRAZEK, Mr. HANSEN, Mr. BOEHLERT, Mr. QUILLEN, and Mr. WISE.

H.J. Res. 570: Mr. COURTER, Mr. CARPER, Mr. STARK, Mr. MILLER of Washington, Mr. WHEAT, Mr. MORRISON of Connecticut, Mr. MILLER of California, Mr. MURTHA, Mr. SAVAGE, Mr. KOLBE, Mr. STEARNS, Mr. PAXON, Mr. IRELAND, Mr. BOEHLERT, Mr. BONIOR, Mr. JENKINS, Mr. CLINGER, Mr. SCHEUER, Mr. HILER, Mr. MCCANDLESS, Mr. BROWN of California, Mr. LEHMAN of California, Mr. SYNAR, Mr. WALSH, Mr. NOWAK, Mr. LEACH of Iowa, Mr. JOHNSON of South Dakota, Mr. GOODLING, Mr. DEFAZIO, Mr. KENNEDY, Mr. DYSON, Ms. LONG, Mr. OBERSTAR, Mr. LIGHTFOOT, Mr. HASTERT, and Mr. ROWLAND of Connecticut.

H.J. Res. 579: Mr. FISH, Mrs. LOWEY of New York, Mr. BOEHLERT, Mr. ENGEL, Mr. PAYNE of New Jersey, Mr. CLINGER, Mr. HOUGHTON, Mr. OWENS of New York, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. MCGRATH, Mr. MCHUGH, Mr. NOWAK, Mr. SOLARZ, Mr. SERRANO, Mr. FLAKE, and Mr. MRAZEK.

H.J. Res. 584: Mr. SMITH of Texas, Mr. MCDERMOTT, Mr. FISH, Mrs. BOGGS, Mr. PAYNE of New Jersey, Mr. FRENZEL, Mr. LEATH of Texas, Mr. DEWINE, Mr. MADIGAN, Mr. MCDADE, Mr. DAVIS, Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. HARRIS, Ms. SNOWE, Mr. BUECHNER, Mr. ACKERMAN, and Mrs. BYRON.

H.J. Res. 602: Mr. MARKEY and Mr. WHEAT.

H.J. Res. 613: Mr. FISH, Mr. SPRATT, Mr. MORRISON of Washington, Mr. JENKINS, Mr. CLINGER, Mr. APPLEGATE, Mr. MCEWEN, Ms. PELOSI, Mr. KASICH, Mr. DARDEN, Mr. CARPER, Mr. FOGLIETTA, Mr. DICKS, Mr. SUNDQUIST, Mr. LENT, Mr. MCHUGH, Mr. WEISS, Mr. MOODY, Mr. DICKINSON, Mr. GUNDERSON, Mr. NATCHER, Mr. QUILLEN, Mr. HUTTO, Mr. ASPIN, Mr. TAUKE, Mr. MCCLOSKEY, Mr. SISISKY, Mr. GOODLING, and Mr. PETRI.

H.J. Res. 640: Mr. PARRIS.

H. Con. Res. 246: Mr. DURBIN.

H. Con. Res. 336: Mr. DEFAZIO, Mr. MILLER of California, Mr. SIKORSKI, Mr. EVANS, Mr. BATES, Mr. BROWN of California, and Mr. JACOBS.

H. Con. Res. 357: Mr. FISH and Mr. KOLTER.

H. Con. Res. 366: Mr. RHODES, Mr. BALLENGER, Mr. SHAW, Mr. WALGREN, Mrs. COLLINS, Mr. FAWELL, Mr. SPENCE, Mrs. BOXER, Mr. GALLEGLY, Mr. MILLER of Ohio, Mr. RAHALL, and Mr. DEFAZIO.

H. Res. 314: Ms. MOLINARI.

H. Res. 451: Mr. BUNNING, Mr. BALLENGER, Mr. DOUGLAS, Mr. GOSS, Mr. HANCOCK, Mr. ROHRABACHER, and Mr. STEARNS.

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. 4532: Mr. ROSE.

H.R. 5560: Mr. ROSE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

231. The SPEAKER presented a petition of the City Council of the City of Compton, CA, relative to the council's opposition to the elimination of State and local tax deductibility; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

FORT TOTTEN NATIONAL HISTORIC SITE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today to introduce legislation which would authorize the designation of the Fort Totten State Historic Site, on the shores of Devils Lake, be declared a national historic site.

Fort Totten is one of the best preserved frontier military posts in the trans-Mississippi West. It stands as a monument to the long-standing relationship between the U.S. Government and the American Indians. Fort Totten's history reflects the Federal responses to the Indian question.

In 1862, a combination of white harassment, broken treaties, and an absence of military troops due to the Civil War caused the great Sioux uprising. Congress then abrogated all existing treaties and sent Gen. Harry Hastings Sibley to quash the rebellion. As a result of this action many Sioux bands migrated to the Devils Lake area for security. The Sioux then proceeded to attack trade, supply, and travel routes. The War Department saw this as a major threat to the security of the white people in the Devils Lake area and to the expanding agricultural frontier. In 1867, under the direction of Capt. Samuel A. Wainwright, the 31st Infantry built Fort Totten about 900 feet from the shore of Devils Lake.

In 1890, because of the relative calm of the region, the fort was closed and placed under the jurisdiction of the U.S. Government to be used as a mission school. The establishment of this mission school shortly preceded the initiation of a national policy that the Federal Government take responsibility to furnish primary and secondary education for all Indian children of school age residing on the reservation. This policy was set at an annual meeting at the posh Catskills resort called Lake Mohonk, and was called the Mohonk Conference. The conference called for a comprehensive plan for Indian education.

Fort Totten continued as a combination day and boarding school during 1934 to 1935 after which its function was expanded to include a preventorium for children with tuberculosis. Teachers as well as nurses and a doctor were staff members for the new institution. The preventorium was implemented by the National Government out of their concern for Indian health and to control the spread of tuberculosis. The day school then officially closed in 1937 in order to devote more time to health care. After the 5-year trial period for the preventorium was over in 1940, Fort Totten was reverted back to a day and boarding school.

On March 6, 1959, a concurrent resolution was passed by the North Dakota Senate to accept the Fort Totten site from the U.S. Department of the Interior. The North Dakota State Historical Society was then charged with its oversight and maintenance.

The Fort Totten State Historic Site consists of approximately 9.81 acres and is located within the boundaries of the Fort Totten Indian Reservation. The area owned by the State of North Dakota was originally the drill and parade area and is enclosed by a square of buildings. Except for one company barracks the square proper described above is exactly as it was when the post was closed in 1890.

The existing structures that comprise the Fort Totten Historic Site are of great historical value. The adjutant's office retains much of its original character and depicts 19th century army administration. The hospital is one of the few surviving examples of 19th century army hospitals.

The North Dakota State Historical Society since becoming trustee in 1960 has maintained the 16 remaining buildings while publicizing the site and its history. The society has restored much of the site and developed an interpretive center that includes exhibits and concessions. Although the site has been recognized for its State and regional history, it should not be overlooked for the contribution it has made in the history of the United States and its governmental policies in regards to the American Indian.

The bill I am introducing today would authorize the acquisition, by donation, of the Fort Totten Historic Site and establish it as a National Historic Site. Fort Totten has significant historical importance and I urge any colleagues to support this bill.

THE A-10 AIRCRAFT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. UDALL. Mr. Speaker, our Nation has witnessed the largest military deployment since the Vietnam war. The Department of Defense has performed admirably in marshaling a force capable of defending our troops and allies in the region. The front line of that defense will be the sturdy, capable A-10 Thunderbolt II aircraft.

The A-10 aircraft is an integral part of our defense posture in the Middle East because of its ability to stop a modern tank in its tracks. With the power of a high speed 7-barrel Gatling-type gun capable of firing 3,900 armor piercing rounds per minute, the A-10 is well-equipped for the desert warfare our military leaders anticipate. The A-10, known lovingly to its pilots and crew as the Warthog, is the first Air Force plane which was specifically designed for close air support for ground forces. Its deployment in Saudi Arabia allows our military strategists to ensure the air cover of United States troops, should Iraq attack our troops. With the short takeoff and landing capability of the A-10, it has proved useful in an area where other aircraft might not so easily be accommodated.

My home town, Tucson, AZ, is proud to be the site for the training of pilots on A-10 aircraft. Hundreds of pilots each year arrive at the Davis-Monthan Air Force Base to become qualified Warthog pilots. The temperate climate of Tucson allows for year-round training. Open skies and nearby firing ranges provide excellent conditions for A-10 desert training.

Mr. Speaker, the mission of the A-10 was thought to be to repel an attack by Warsaw Pact tanks. When that threat diminished, there was talk of eliminating the A-10 from our inventory. There has also been examination by the Air Force of closing down the Davis-Monthan Air Force Base. The recent crisis in the Middle East, I believe, illustrates the folly of those actions. I believe that American troops are more secure with the Warthog above their heads.

CONGRATULATIONS CHRISTINA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MICHEL. Mr. Speaker, tomorrow, Christina Ramata Newberg, a 3½-year-old girl from Bamako, Mali, joins the fabric of America by becoming an American citizen. Congratulations Christina.

When her citizenship papers were approved, her mom cried and said a prayer of thanksgiving. Now a bright eyed, curly haired girl of limitless energy, Christina can say the Pledge of Allegiance by heart.

Christina, your freedoms in America are by right, your opportunities are by choice. Make us all proud of who you are and what you do. We welcome you now as a fellow American. God bless you.

IN RECOGNITION OF ALEX STANTON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay a special tribute to an outstanding individual whose dedication to charitable causes has had a profound effect on the city of Philadelphia. His efforts have paved the way for a better world.

Mr. Stanton has dedicated his life to serving charitable causes. He has been a key force in the philanthropic movement in Pennsylvania, New Jersey, and New York.

Beginning with his involvement in 1929 with the Jules E. Mastbaum lodge of the Brith Shalom Society, he has continued to support and create philanthropies. These efforts include the recent completion of Brith Shalom Beit Halochem, a $15-million rehabilitation and recreation center for permanently disabled soldiers in Haifa.

He has served in various charitable organizations including Israel's Red Cross, Aid to Britain, the American Jewish Conference, the World Jewish Congress, the Allied Jewish Appeal, the Federation of Jewish Agencies, and has been national chairman of Brith Shalom Foundation since it was founded in 1962.

Mr. Stanton's fundraising efforts can be seen in Philadelphia with the erection of the Brith Shalom House which provides housing for more than 500 senior citizens.

With all these accomplishments, it is no surprise that Mr. Stanton was the recipient of the Jabotinsky Medal, an honor limited to just 100 Americans of all faiths who have served the State of Israel.

It is fitting that Mr. Stanton will be saluted on Saturday, October 13, as "the Man of the 1990's" by the Adath Israel Synagogue in Philadelphia. The positive results of Mr. Stanton's efforts will be seen well into the next century.

STOP THE BUSH DEBT WRITE-OFF FOR EGYPT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing a resolution which declares that Congress opposes the President's plan to forgive $7.1 billion in military assistance loans to the Government of Egypt.

I was distressed that the President made this proposal and immediately wrote him to express my profound objections. I have since learned that many colleagues share my opposition to this untimely debt forgiveness plan. Thus, I decided to introduce a vehicle to reflect our collective intention to stop the Bush plan in its tracks.

We simply disagree with the notion that we ought to be wiping off the debts of foreign nations while we are drowning in deficits at home. It borders on the ridiculous to forgive a $7 billion obligation when the real Federal deficit is $300 billion—if the Social Security trust fund surplus is not used as an offset against the deficit. It also perplexes me that we can find room to write off foreign obligations when we can't find the money for an effective farm program, rural health care, and student aid. I strongly believe that it's not old-fashioned to invest in America first.

The debt write-down for Egypt also opens the flood gates for other requests to forgive military aid loans. In effect, we may soon be asked to forgive another $7 billion in outstanding obligations. This would mean that we might have to excuse a total of $14 billion in military aid loans in order to treat debtor nations equitably. We cannot afford to do that during a time of choking deficits and soaring public debt.

Egypt certainly deserves credit for providing troops to help us block further Iraqi aggression in the Persian Gulf. President Mubarak has also exercised admirable leadership in the Arab world. And although I understand the need to help poor allies adversely affected by the Persian Gulf crisis, I think we can find better ways to do this.

A BETTER APPROACH TO DEBT RELIEF

For one thing, we could provide Egypt more targeted food aid in projects like Food for Work and Food for Health that promote development and simultaneously reduce its overall debt burden. Or, even if we decided that Egypt needed some debt relief, we could get some wealthy allies like Japan and West Germany to effectively pay off the Egyptian debt. Under this arrangment, the allied nations would provide direct grants to Egypt to cover the $7 billion obligation to the U.S. Egypt would then pay off the loan, thereby leaving both the U.S. and Egypt in a stronger position and enabling allied nations to make a useful contribution to the multinational effort to contain Iraq.

Consequently, my resolution urges President Bush to withdraw his plan to forgive Egypt's $7 billion debt. It calls upon him to consult with Congress in order to fashion a comprehensive plan in which other nations would share with us, the costs and responsibilities of checking Iraq's aggression. Failing that, the resolution would have Congress reject the Bush package.

In conclusion, I understand that the President has a tough job in handling the many facets of the Persian Gulf crisis. However, we must find a better way to deal with Middle East crisis—a way that helps to check Iraqi aggression, but that also enables us to tackle the deficit at home. We must craft a policy that meets both tests if we are to build real national security.

The text of my resolution follows:

H. CON RES. —

Whereas the United States faces the daunting task of reducing annual Federal budget deficits of well over $200,000,000,000;

Whereas the growing national debt of over $3,000,000,000,000 levies an unacceptable burden on future generations;

Whereas the forgiveness of military assistance debts owed to the United States by foreign nations would exacerbate our difficulties in reducing the Federal deficit and the public debt, and would open the door for other requests to write off billions of dollars more in outstanding debt obligations of foreign nations;

Whereas the United States has made a massive commitment of troops, weapons, and money to check Iraq's aggression in the Middle East, while many wealthy nations, including Japan and the Federal Republic of Germany, have not yet made timely and adequate contributions to the effort;

Whereas the United States expects all of our allies and other nations to provide appropriate support to the multinational effort to contain Iraq, including proportional contributions of funds, military forces, and other resources; and

Whereas the United States should seek more appropriate ways to ease the impact of the Persian Gulf crisis on the poorer nations that are directly affected by it, including the prompt delivery of the assistance to Egypt that has been pledged by our allies in this multinational effort: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the President should withdraw his request for authority to forgive the military assistance debts owed to the United States by the Government of Egypt;

(2) if the President fails to withdraw that request, the Congress should reject it; and

(3) the President should develop, in consultation with the relevant committees of the Congress, a comprehensive plan for the sharing by other nations of the costs and responsibilities of checking Iraq's aggression.

NEED FOR A NATIONAL ENERGY POLICY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. UDALL. Mr. Speaker, the current turmoil in the Persian Gulf and the recent surge in the price of gasoline has, once again, pointed out the critical gap in our energy policies. I commend to the attention of my colleagues a recent Ellen Goodman column sent to me by one of my constituents, Mr. Lloyd Clark. Ms. Goodman correctly points out our reliance on automobiles and, consequently, our failure to adopt a sane energy policy that would reduce our dependence on foreign oil.

The text of the article follows:

[From the Arizona Republic, Sept. 3, 1990]

CAR ADS ARE MIRED IN TIME LAG

(By Ellen Goodman)

BOSTON.—As I first turn the pages of the newsmagazines, I barely notice the ads. The cover stories are what I'm after, sober accounts of the near-war in the Middle East, grim details about the buildup to protect "our way of life," uneasy projections about oil and the economic future.

But gradually the subliminal message in the ads comes into focus as an odd and unsettling counterpoint to the news. They are selling cars: the symbols of "our way of life." Cars are a central character in this conflict that threatens that other American freedom: the freedom to drive.

This is what one carmaker promises in the tense summer of 1990: "That last-day-of-school feeling of exhilaration and independence you may have been missing for quite some time."

This is what another boasts while we send 50,000 soldiers to protect our supply line: "It not only looks like fun, it is fun. The undisputed king of the pleasure cruise.".

This is what a third sells as we ship protective gear to guard against Iraq's chemical weapons: "In some ancient cultures, an eclipse called for a sacrifice. Today it only calls for $10,919."

These messages already seem as anachronistic as the ads that once showed doctors

recommending Camels. There is not a single mention of gas mileage. The words used are comfort and performance, power and luxury. There are no warnings that cars may be hazardous to our health.

If the ad-makers are caught in a time lag, what do we make of our leaders? In these same weeks, the president has issued no statement about our four-wheeled dependence. He has uttered only the most casual words about conservation as he races his boat off Kennebunkport. Not one of his men has asked Americans to car-pool or even change our road map for Labor Day. The only concerted action in the nation's capital has been anger at the rising gas prices.

Mr. Bush is more at home in the uniform of a commander in chief than in the sweater Jimmy Carter donned in the oil crisis of the '70s. This oilman may not want to remind us that he was part of the problem during the deregulated decade, when the country was allowed to forget about energy and put our pedal to the metal.

Now, an environmentalist Barry Commoner puts it, "We have a military policy instead of an energy policy." America has driven itself into this desert conflict. We may make war over what we waste.

The ads before me are emblems of the era in which the all-American movie ends in a car chase and the all-American rite of passage is registering to drive, not to vote. They are emblems of an era in which we still believe what we were once told: What's good for General Motors is good for the country.

Today the United States uses 40 percent of the oil being produced in the world. Over 60 percent of that is for transportation. Our cars travel some 1,250 billion miles a year, almost as far as all the cars in the world put together. Half of the trips are made by a driver alone.

We built our suburbs for cars, deserted our cities by car, paved some 2 percent of our land for them and polluted the air for them. As the ad puts it: "Some cars make a statement. This one makes an exclamation." When Americans are also being asked to die for oil, that is indeed an exclamation point.

In the days since the troops landed in Saudi Arabia, some have called for more driling off our own shores, and others for nuclear energy. One would have us choose the pollution of our shores over conservation; another is sure we would prefer the dangers of nuclear waste to sacrifice—

It seems that Washington is still stuck in the stagnant, feel-good '80s, when we wasted time as well as energy—human and fossil. We knew the importance of cars that use less gas, cars that use renewable resources from crops to sun, cars that run on entirely different engines. We knew the value of mass transit. But our government behaved as if the oil would run forever.

The bugle from the Mideast sounds an unhappy wake-up call. Half a world away on desert sands, our men and women are expected to fight for access to inexpensive oil. But at home, our leaders still remain reluctant to ask Americans what they can do and do without for their country.

So, "heartbeat of America" has a very different meaning these days. It's beginning to sound like cardiac arrest.

DESSIE SAWYER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. RICHARDSON. Mr. Speaker, a remarkable New Mexico woman who was a personal friend of Presidents from Harry Truman to Gerald Ford died last month at her ranch in Tatum. Dessie Sawyer was a legend among Democrats in our State and an inspiration to politically minded women of all party affiliations.

Born and raised in Texas, Mrs. Sawyer arrived in southeastern New Mexico as a young bride. With her husband, U.D., she settled on the Crossroads Ranch near Tatum in 1924.

A Democratic committeewoman for the first time in 1948, Mrs. Sawyer was a close political ally and friend of Truman. She accompanied John F. Kennedy to New Mexico in 1960 and in 1968 was 1 of 14 people who escorted nominee Hubert H. Humphrey to the podium for his acceptance speech.

Dessie Sawyer's friendships often crossed party lines, and she was fond of Republican President Gerald Ford. Inducted into the Democratic Hall of Fame last November, she has set a high standard of commitment and service for us and for the generations to come.

Mr. Speaker, I know my colleagues will join me in honoring Dessie Sawyer, whose example I commend to everyone who values the political process.

A SALUTE TO LOUISE ALLMOND

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. GILMAN. Mr. Speaker, the town of Ramapo, NY, has proclaimed September 21, 1990, to be "Louise Allmond Day." Permit me to share with our colleagues a little bit about this remarkable woman and why she has warranted such recognition.

Louise Allmond was born on September 21, 1890, and has dedicated the rest of her life to making other peoples lives more pleasant. She has served as a volunteer in various capacities in a number of different organizations for over 68 years.

Louise was one of the founding members of the Ramapo Senior Citizens Club, the town of Ramapo Senior Citizen Council, the Rockland County Council for Senior Citizens, the Ladies Auxiliary of the American Legion, and many other organizations.

For over 30 years, Louise Allmond has been an articulate spokesperson for the needs of our senior citizens. As their advocate, she has spearheaded the drive for senior citizen housing in the Ramapo community, and transportation for the elderly and the disabled. She helped spearhead the establishment of the Rockland County Office of the Aging and the senior nutrition programs for which Rockland County has been noted. Louise also takes the time to lobby for those legislative issues which are of benefit to our seniors.

Louise Allmond is so highly respected by the Ramapo Senior Citizen Club that she has been asked to serve as an adviser to their organization's executive board. It is appropriate that Louise receive these honors, for she has dedicated herself to helping others for more than 68 years.

Mr. Speaker, perhaps the most incredible facet of Louise Allmond's life is the fact that she still works every day, as an assistant to Dr. Lawrence Bryman, a local chiropractor. Dr. Bryman's patients look forward to being greeted by her smiling, pleasant face and manner. They also look forward to the fashions she wears, all of which she makes herself.

Mr. Speaker, I invite all of our colleagues to join me in saluting this outstanding lady, who this week will be 100 years young, and to join with us in wishing her many years of health and happiness to come.

PRIMARY PEDIATRIC OUTREACH AND CARE FOR DISADVANTAGED CHILDREN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MILLER of California. Mr. Speaker, today I am introducing the Primary Pediatric Outreach and Care for Disadvantaged Children Act of 1990. My colleagues, Senator DODD and others, introduced a companion bill in the Senate. The purpose of the legislation is to fund innovative demonstration projects that provide basic health care services to poor and homeless children. There may be no group more medically neglected or underserved by the Nation's patchwork system of health care than poor and homeless children—and no group for whom comprehensive preventive health care is more urgent.

This act will direct the Secretary of the Department of Health and Human Services to make grants to public or nonprofit local agencies and institutions to provide primary pediatric outreach, acute care, and preventive health care, including immunizations, health screening and growth assessments to disadvantaged and homeless children. The success of the grant program will derive from its flexibility, its emphasis on supporting a range of effective local initiatives, and its support of a broad range of needed health services within those initiatives.

The legislation is modeled after a triumphantly successful program in New York—"The Children's Health Project"—cofounded and directed by Dr. Irwin Redlener. The project utilizes mobile medical vans to bring health care to homeless children and youth in family shelters and welfare hotels in New York City.

Mr. Speaker, if 7 years as chairman of the Select Committee on Children, Youth, and Families have any lesson to teach, it is that poor children and families in this country face dramatic, continually unmet, service needs. Over the years, we have heard about these needs, we have learned how we might meet

them, and yet we have barely begun to do the job.

In 1988, 33 million nonelderly Americans went without health insurance of any kind. Of these, more than 9 million were children. These are the people who have fallen between the cracks, covered neither by public insurance nor by an often capricious, hit-or-miss system of private health provision.

Such serious financial barriers keep too many children from receiving the preventive health care they need. The National Association of Children's Hospitals and Related Institutions estimate 7 million U.S. children do not receive routine medical care. Childhood immunizations promise declines in incidence of serious childhood illnesses, but in 1985, less than 60 percent of children under age 4 had received the complete basic series of immunizations against these diseases.

And despite the demonstrated cost-savings—every $1 spent on childhood immunization can save $10 in later health care costs—immunization rates for preschool children against diphtheria, tetanus, and pertussis [DPT] average 41 percent lower in the United States than in many Western European countries; our polio immunization rates are 67 percent lower than those in Europe.

As a result of our neglect, low-income children in the United States are about twice as likely as higher income children to be born at low birthweight, two to three times more likely to experience postneonatal mortality, and three times more likely to have delayed immunizations and lead poisoning. Children in poverty are almost 50 percent more likely to have a disability than children from higher income families.

All of the problems that we see among low-income children are even more urgent among homeless children. On any given night, as many as 500,000 children are homeless, and there are more than a million runaway or homeless youth in emergency shelters or on the street.

As the Select Committee documented in its hearings on the effects of homelessness on children, their health risks are multiplied, and the opportunity to receive adequate services diminished dramatically. Homeless children frequently receive their health care in more costly emergency rooms, receive little, if any preventive health care, and have far fewer dental visits compared to the general pediatric population. Substandard living conditions, a preoccupation with survival, and serious barriers to care—lack of child care, transportation, and above all, financial resources—make seeking or keeping a medical appointment virtually impossible.

As a result, upper respiratory infections are twice as common among homeless children as among children seen in regular ambulatory settings, skin disorders about 4 times as common, GI disorders about 3 or 4 times as common, ear infections nearly twice as common and poor dentition more than 10 times as common. Rates of anemia and chronic health conditions are also twice as high among homeless children as among children in general. Homeless children are also at great risk for malnutrition, emotional stress and poor school performance. Less than one-third of the 1- to 2-year olds seen by Dr. Redlener were immunized.

Compared to adolescents living at home, the health status of homeless youth is seriously impaired. Sexually transmitted diseases, malnutrition, alcohol and drug use, pregnancy, assault, and high-risk for HIV exposure are among the most serious problems. In a survey of homeless teens in Hollywood, CA, almost half the females reported one or more pregnancies and almost half of the survey sample had attempted suicide sometime in their lives.

As James Wright, the principal investigator of a national evaluation of health care for the homeless, testified at the Select Committee hearing, "any disorder you choose to pick turns out to be very much more common among homeless children than among children in general. * * *" He concluded: "[P]ersons who are denied adequate shelter not only lose the roof over their heads; they also thereby become exposed to a range of risk factors that are strongly deleterious to their physical well-being."

The Primary Pediatric Outreach and Care for Disadvantaged Children Act is only a beginning to solving the drastic health problems of homeless and disadvantaged children in this country. But it is a beginning long overdue. I urge my colleagues to join me in support of the bill.

SPECIAL TRIBUTE TO RICHARD LYON HORWITZ

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. HASTERT. Mr. Speaker, on August 9, 1990, the people of Aurora and the State of Illinois suffered the loss of one of their finest citizens when Richard Lyon Horwitz passed away at the age of 42.

Rich's life was always focused on helping others. He believed passionately in citizens taking personal responsibility for their government and the quality of life in their communities. He sought to give of his talents, never seeking anything in return but the joy of accomplishment.

The Illinois Mathematics and Science Academy was one of the dreams Rich shared with so many of us. The academy is a unique public residential high school that serves some of the best and brightest science and math students in Illinois. Its success is in no small measure the result of Rich's skill as its legal adviser and his dedication as its enthusiastic champion. Through the brilliant young lives he has helped to shape at the institution, he has left a legacy that will never pass from us.

While the scores of men and women who knew and worked with Rich mourn his loss, they also rejoice in the way rich lived his life. He knew that true happiness comes from service and he leaves us with that example, richer for having known him.

HONORING ALDERMAN RED VILLA OF ST. LOUIS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to a great American, a great St. Louisan, and a great human being, Alderman Albert "Red" Villa of St. Louis.

Red is an institution in the city of St. Louis—in fact, he is affectionately known as "Mr. St. Louis." His career in city government spans 37 years. He began his days in politics when he was first elected to the board of aldermen in April 1953. On Saturday, September 8, 1990, he was honored by the citizens of St. Louis for his many years of service. The Red Villa statue will stand in a park in his beloved 11th ward.

Red, perhaps better than anyone I have ever met, exemplifies the philosophy that you must be responsive to the needs of the people you serve. To be effective, Red believes you have to listen. His door is always open, and his heart is large enough to include everyone who walks through that door. No problem is too small or too large for Red to offer assistance or guidance. He is willing to go the extra mile.

In addition to his work for his constituents, Red is a devoted husband, father, and grandfather. His public service has been the inspiration for many of the leaders in the business community as well as in government.

Red Villa has achieved many successes; but most importantly, I want to recognize and thank the man we have come to know as "Mr. St. Louis" for the example he has given us. He has set a high standard for dedication, integrity, and leadership—a standard we all should strive to achieve.

THE CENTENNIAL OF THE SECOND BAPTIST CHURCH OF RIVERSIDE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. BROWN of California. Mr. Speaker, I rise today to acknowledge the centennial of the Second Baptist Church of Riverside, CA. This church began at 3 p.m. on Sunday, September 21, 1890, with 13 charter members under the leadership and guidance of The Reverend Charles Wingbigular, Pastor of Riverside's First Baptist Church.

From this small but committed group came a strong new evangelical force, carried on by a current membership of many hundreds. The early members endured a series of moves until 1924, when the land for the present structure was purchased for $5,000. This fifth and final location has grown to serve an expanding membership, through the efforts of many devoted volunteers.

Throughout the history of our Nation, churches have always provided a foundation

of faith and hope, and been a pillar of sustenance for our society. In our communities, the church has sought out the underprivileged and needy, given strength to the weak, and extended its unifying spirit of love to every member.

The Second Baptist Church continues in this great tradition. Over the years it has been a shining light to those in the community of Riverside. Through its ministry and outreach projects, it has helped to create a more harmonious and caring environment.

The original founders would hardly recognize their church today. From a small location on Eighth and Main, with a mere 13 chartered members, the current church has a seating capacity of over 600 in its sanctuary, and 14 classrooms in its education center. It has a library which can hold more than 5,000 volumes, and a kitchen and dining facility which can accommodate more than 200 people.

The Reverend Dr. William Thomas passed away in 1988 and will miss this centennial celebration. The Reverend Will Edmond, adviser to the board of deacons for the church, has that privilege. I am pleased to have the opportunity to acknowledge this church and its congregation, who have given so much to the Riverside community. I am sure that the next 100 years will see a continuance and growth in the faith and stewardship which the Second Baptist Church has always provided to our community.

TRIBUTE TO THE HONORABLE TOMAS SANTOS TANAKA

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. BLAZ. Mr. Speaker, there is a saying that in every society there are 12 apostles, to put it in biblical terms. Usually, these ladies and gentlemen are seen in every event, in every function, and in every PTA meeting. Around them revolves the community in which they live.

Last Saturday, on the 15th of this month, one of Guam's apostles passed away quietly at age 75. To the end he was true to form. He was always doing what had to be done without frills, without fanfare.

I defer to others to cite the litany of his accomplishments as a legislator. And in that arena, he was outstanding. I reserve my comments to my recollection of the impact he had on me as a young boy and a young man.

I remember a gentle person, never shouting, always smiling softly;

I remember a courageous person taking chances beyond expectations during the enemy occupations of World War II at great risk to himself and his family;

I remember a religious person, always believing that if he did his share, God would do the rest;

I remember a giving person, so generous when there was little to share;

I remember a friend—older than I, younger than my father, friend to both of us;

I remember his encouraging words as I struggled early in life to find my own place in society; and

Finally, I remember my grandfather's favorite saying in vignette—that the most noble tribute that one could receive in life was to hear someone say, "I am a better person for having known you."

With the deepest feeling of admiration, affection, and respect, I say, as I bid adieu, that I am a better person for having known throughout my life this great son of Guam: Tomas Santos Tanaka.

I shall always remember him.

BRIGHTWATER TOWERS: CELEBRATING 25 YEARS OF COMMUNITY SPIRIT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. SOLARZ. Mr. Speaker, I rise today to honor several hundred friends and neighbors of mine who live in West Brighton along the shorefront of Brooklyn.

These men and women all have one thing in common: They have lived together in two buildings called Brightwater Towers for 25 years.

In paying tribute to Brightwater we are honoring more than a quarter century of neighborliness and togetherness. Brightwater Towers is a Mitchell-Lama development, one of several in my congressional district.

Mitchell-Lama came about in the late 1950's and 1960's as a New York State program of subsidized housing directed toward hardworking middle class families. New York City and other urban centers were experiencing a "flight to the suburbs" during that period, and this program was created to stem that tide.

In large measure, this program was a success. Thirty years ago, much of West Brighton was a large congregation of run-down housing and summer cottages. There are three large Mitchell-Lama developments there now. The community is thriving. And there is no better example of the program's success than Brightwater Towers.

I salute Brightwater Towers because of the good people who live there and who have made its name synonymous with community activism and unity. Theirs a true example of the spirit of all for one and one for all.

My friends in Brightwater Towers have revitalized a neighborhood by anchoring it during a period of transition. Scores of Brightwater Towers residents can always be counted on to pitch in when help is needed.

It is uplifting to note that a good neighbor policy is alive and well in Brightwater Towers, and I celebrate 25 years of people from all walks of life living together, helping each other out, supporting good causes, and improving the neighborhood. Happy anniversary.

H.R. 4739, THE FISCAL YEAR 1991 DEFENSE AUTHORIZATION BILL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. ANDERSON. Mr. Speaker, this week we conclude consideration of the fiscal year 1991 Defense authorization bill. The last year has brought tremendous changes to the world; changes that have seen the fall of communism in Eastern Europe, a gradual reshaping of the Soviet Union, and the prospect of deep-cutting arms reduction agreements. The cold war, a constant for 45 years, has ended. As a nation we have spent trillions defending ourselves against the menace of the Soviet threat. That threat has now withered. While the Soviet arsenal remains significant, especially their strategic forces, no longer do we face armored and mechanized legions poised to invade Western Europe. No longer are Soviet troops in Afghanistan. Soviet aid to Angola, to Cuba, to Nicaragua has been cut or drastically slashed.

Yet, as we have seen in places like Panama and now the Persian Gulf, the diminished competition with the Soviet Union does not make the world secure and safe. The United States has far-flung vital interests and concerns. The overriding lesson of World War I and World War II is that the United States cannot afford to turn its back upon the world, cozy in its isolationism. To defend our security interests, to defend our economic livelihood, and to deter the forces of aggression, this Nation must play an active role in world affairs. The lesson of the cold war is that peace is won through strength, resolve, and commitment.

How then do we construct a defense budget that balances the end of the cold war with the need to retain a strong, viable military? With the notable exception of the lack of B-2 funding, which I consider absolutely necessary, I believe this bill goes a long way in striking that necessary balance.

First, this bill places people above hardware. The morale and the quality of life of our men and women in uniform will determine the quality of our armed services. By providing a pay raise in this bill, we ensure that quality people are attracted to and, even more importantly, stay in our military. A weapon system is useless if it doesn't have motivated and trained people operating it. I also applaud the extension of separation pay to enlisted men, and the creation of programs designed to ease transfer of military men and women to civilian life. As we cut our military, we cannot forget the men and women who faithfully served.

With regard to personnel cuts, I think the committee is taking the right steps in reducing those forces committed to a conflict in Europe, primarily Army and Air Force personnel, while also lowering the troop ceiling on our forces in Europe. As we have seen in our deployment of forces to the Middle East, the Reserves are a critical component of our Armed Forces. The committee has recognized this by strengthening our part-time forces with

more modern equipment and justifiable troop strengths.

In terms of military equipment, this bill shifts United States defense priorities away from the forces designed to counter the Soviets, both on a strategic and conventional level, and instead places an emphasis on the equipment we will need to fight a war in a place like the Persian Gulf.

Strategically, the bill anticipates a Strategic Arms Reduction Talks [START] agreement by cutting funds for the 19th and 20th Trident ballistic missile submarines, by forcing the administration to make a choice between the rail-mobile MX or the road-mobile Midgetman, and by keeping the Strategic Defense Initiative [SDI] on a robust research budget while postponing any deployment date. However, I am strongly opposed to cutting the B-2 bomber program to only 15 planes. Hopefully, the Senate position on this critical system will prevail.

With regard to conventional systems, I applaud the committee's decision to support the C-17 aircraft and the fast sealift program. As demonstrated by the events in the Persian Gulf, the ability of forces to fight is entirely dependent on our ability to get those forces where they need to go. The best tank in the world is useless sitting in the United States. Airlift and sealift will be especially important as we move to reduce our overseas base infrastructure. Currently, the deployment schedule to Saudi Arabia has been delayed by as much as 2 months due to broken-down ships and aging C-141's. We must move forward now with the C-17 and fast sealift to overcome these inadequacies.

I also strongly support the committee's foresight in continuing those programs we are most likely to use in future conflicts, those same weapons we see on the front-line in the Persian Gulf. I speak to the committee's plans to extend and upgrade carrier-based aircraft (both F-14's and F/A-18's), to upgrade our tank force, and continue critical fighter programs like the F-15 and F-16. I think it is an especially wise move that the committee has proceeded with a strong procurement plan for the Navy. Today, and in the future, the Navy will be the service branch most called upon to protect America's security and economic interests around the world. The retention of 14 carrier battlegroups is essential to this task. I applaud the committee's support of maintaining our carrier strength.

Finally, this bill speaks to the future with regard to research and development [R&D] and America's high-technology base. With no overwhelming and immediate threat coming from the Soviets this country can afford a true R&D Program instead of the current develop and buy strategy. We can afford to wait and see what works before committing to weapon systems that are later found to be plagued with defects. A true R&D Program is not a withdrawing of our commitment to technologically advanced U.S. forces. America has long depended on its technological edge over the enemy, which is often numerically superior, to defeat that enemy. In fact, there is $450 million over the administration's request for the Defense Advanced Research Projects Agency [DARPA] and a 2-percent-real increase over inflation in high-technology devoted funds. I have always supported, and will continue to support, continuing efforts to develop next-generation weapons that give us an edge over any adversary. These funds, and a true R&D Program represent a go-slow and go-smart approach to weapons procurement, a condition that the post-cold war era both allows and demands.

In conclusion I would like to commend Chairman ASPIN and the House Armed Services Committee on its tremendous effort on this bill. While cutting defense spending by billions, they have managed to construct legislation that maintains the strength of America's Armed Forces in the years to come.

A TRIBUTE TO JOHN C. VILLFORTH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. YATRON. Mr. Speaker, I have the pleasure of paying tribute to one of Reading, PA's native sons, whose distinguished career in Federal service ended with his retirement last month. Mr. John C. Villforth is an institution at the Food and Drug Administration and a 29-year veteran of the U.S. Public Health Service Commissioned Corps, with another 7 years spent as a commissioned officer in the U.S. Air Force.

Mr. Villforth is a graduate of Pennsylvania State University with B.S. and M.S. degrees in sanitary engineering. After graduating, he was stationed at Loring Air Force Base as a sanitary and industrial hygiene engineer. He then traveled to Oak Ridge National Laboratory and obtained a M.S. degree in physics from Vanderbilt University. He concluded his Armed Forces duty at Wright-Patterson Air Force Base.

In 1961, Mr. Villforth was commissioned in the Public Health Service and held several supervisory posts in the radiological health program. After the program was placed in the FDA and renamed the Bureau of Radiological Health in 1969, he was appointed its new Director and for the next 13 years devoted his energy to building a committed, innovative, national radiation protection program.

A masterful communicator, Mr. Villforth placed a high premium on education and was able to stir the Nation's consciousness about potential radiation hazards through educational and public information programs which stimulated interest in personal health care and the quality and frequency of medical x rays.

When the Three Mile Island accident occurred, Mr. Villforth was a central figure in managing the crisis. Designated by Health and Human Services Secretary Califano as the coordinator of the emergency response team, he was responsible for the safety of the food supply and for monitoring radiation exposures of the population around the Harrisburg region. Through his efforts, the public health and emotional impact of the accident was lessened.

In 1982, the FDA Commissioner decided to merge the agency's radiation and medical device programs and put John Villforth at the helm. He is credited with strengthening marketing processes for new medical devices, with establishing a surveillance program to pinpoint device failures, and with building educational programs for device users and patients.

Mr. Villforth has been a member of many prestigious national and international organizations dealing with the study of radiation. He has shared his views and ideas through 31 major publications and in over 160 presentations at professional and technical conferences throughout the world.

These extraordinary accomplishments have not gone unnoticed. He was presented with the Air Force Commendation Medal, the Elda E. Anderson Award in Health Physics, the Public Health Service Meritorious Service Medal, the FDA Commissioner's Special Citation, the PHS Foreign Duty Service Ribbon, the PHS Special Assignment Service Ribbon, the PHS Outstanding Service Medal, the Richard E. Greco Professional of the Year Award, and the Division Service Award of the Biomedical Division Council. He also was awarded the College of Engineering's Outstanding Engineering Alumnus Award by Pennsylvania State University.

Mr. Speaker, this uniquely gifted, warm-hearted man and skilled administrator has truly made the citizens of Pennsylvania proud. He has contributed greatly to the public health of our Nation and has been an inspiration and a positive role model for young professionals in the Federal Government.

To John Villforth, we say thanks for a life of exemplary service. We wish him, his wife Joanne, and his three daughters—Mary Jane, Elaine, and Jennifer—much happiness and success in the years ahead.

IN NEED OF IMPROVED AIRLINE SECURITY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mrs. ROUKEMA. Mr. Speaker, 2 years ago, on December 21, 1988, America suffered the most serious terrorist attack against a civilian target in its history. A terrorist bomb exploded aboard Pan Am flight 103 over Lockerbie, Scotland killing 270 passengers and crew. People worldwide share the anguish with the families of the victims. Many of those killed were sons and daughters in the springtime of their youth.

Let us not forget that but for the grace of God each of us could have easily been one of those 270 victims. Are we all to be at the mercy of terrorists? Are we to be thrown into the Dark Age, intimidated by terrorist anarchy? Our lessons are far from over, but we have learned.

Immediately after the bombing I introduced legislation to establish an Independent Commission to conduct a comprehensive investigation of the events leading up to this incident and report to the President and the American people. However, in August, President Bush established the Commission on Aviation Security and Terrorism. In May 1990, the Presi-

dent's Commission presented a series of recommendations to improve aviation security and the ability of the Government to respond to such an act of terrorism.

During the Commission's investigation it was revealed that in addition to dealing with their private grief, the families and friends of those aboard flight 103 had to struggle with State Department bureaucracy and insensitivity to secure the return of the bodies and personal effects. The Commission also found that the families, along with all Americans, have gained a growing skepticism about the ability of the Federal Government to protect civil aviation targets from future acts of terrorism.

Recently, the Commission's recommendations have been introduced in the Aviation Security Act, H.R. 5200, of which I am a cosponsor. This legislation will help to ensure the safety and security of passengers of U.S. planes against terrorist threats and gives this responsibility the highest priority. This legislation includes many of the Commissions findings especially language that requires the State Department to be sensitized to the demands posed by tragedies such as Pan Am 103, and that the U.S. Government consider the question of notification.

The American people need the quick passage of the Aviation Security Act. Support for this bill is not only found in the halls of Congress. I have received many letters of support from constituents of mine, including one from State Senator Henry McNamara. Senator McNamara expressed his support for this legislation in a letter to Mr. and Mrs. Dater, who tragically lost their daughter Gretchen in the bombing. I hereby submit a copy of his letter for the RECORD:

NEW JERSEY SENATE,
Franklin Lakes, NJ, August 31, 1990.

STATEMENT BY NEW JERSEY STATE SENATOR HANK MCNAMARA IN SUPPORT OF THE AVIATION SECURITY IMPROVEMENT ACT OF 1990

Mr. and Mrs. THOMAS E. DATER,
Ramsey, NJ.

DEAR MR. AND MRS. DATER: Two years ago, four days before Christmas, we lost Gretchen Dater forever.

She perished, along with hundreds of others, in the tragic crash of Pan Am Flight 103.

Gretchen is from Ramsey, a town in my legislative district. Her parents Tom and Joan have become my friends. Gretchen's loss touched me personally. I'll be left to wonder forever how things might have been different had this artistically-gifted and life-loving young woman not, on December 21, 1988, stepped aboard a plane whose cargo held a ticking bomb.

I can't help but think, too, that Gretchen boarded Flight 103 secure in the fact that everything humanly possible had been done to insure her safety. She was trusting. But, tragically, she was wrong. We have since learned that measures undertaken to protect Gretchen were lax. Both the airline security system and those who operate and oversee it proved imperfect.

Well, we have come to expect imperfection from government, haven't we? We have grown used to mistakes.

If we did not know it before Flight 103 crashed in Lockerby, Scotland, we know now that when it comes to protecting the life of a young college junior named Gretchen Dater, nothing less than perfect will do.

I'm amazed at how often in the course of debating taxes and budgets, we lose sight of government's first and most important duty; protect the life and welfare of our citizens. We can be nothing less than earnest in living up to that responsibility. We must—simply must—strive for perfection.

I wanted to express for myself, and on behalf of hundreds of my constituents who knew and loved Gretchen, support for the Aviation Security Improvmeent Act of 1990 now being considered before the Congress.

It is, if not perfect, a reaffirmation of government's priority: No effort is too great when it comes to protecting our citizens. I urge the Congress, in its deliberation of this measure, to demand nothing less than the best efforts from the Department of State, the FBI and FAA and all other agencies and air carriers involved in the constant vigil over airport security.

It is my hope, shared by many of my colleagues in the New Jersey State Senate, as well as by many New Jerseyans, that the Congress act to improve airline security today and make enduring improvements so that we will never again suffer the pain caused by the Flight 103 crash.

I am no expert in airline security. I do not know my way around the federal bureaucracy. And the internal workings of Congress remain to me, as to so many Americans, a mystery. But I would suggest that Members of Congress pay careful attention to the recommendations of the President's Commission on Aviation Security and Terrorism and, wherever possible, incorporate those recommendations into its final aviation security plan.

I ask you to look at the airline security problem through the eyes of Joan Dater, Gretchen's mother. What you will see, when you are able to shake away the anguish that seems never to go away, is the need to know that another Gretchen from Florida, or Michigan or California will board a plane for home, now, or in the years to come, and make it home safely into the arms of her mother.

Respectfully submitted on this date,
HANK MCNAMARA,
New Jersey State Senator.

I am sure that Senator McNamara would join me in saying "Never again! No more Lockerbies. No more innocent victims." We can and must do more to protect the traveling public from the repugnant threat of terrorism.

IONA COLLEGE: 50 YEARS OF EXCELLENCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mrs. LOWEY of New York. Mr. Speaker, I rise today to bring to the attention of my colleagues, the 50th anniversary of Iona College in New Rochelle, NY. Iona has grown from the 93 students it began with in 1940 to over 7,000 today, and its degree programs, now include 17 graduate degrees, four post-master's programs and numerous certificate programs. Iona's commitment to excellence in education should stand as an example for all institutions of higher education. Iona was founded to serve the sons of the poor and the working class. Today, it is reaching out to new immigrants and older and part-time students. The college's growth is not only academic. Iona has expanded its commitment to career counseling, the arts, athletic programs and campus outreach activities which are essential to providing a well-rounded education for its student body.

Iona has expanded its service for the community through new branches in Rockland and Putnam Counties, as well as in midtown Manhattan. This growth in size and diversity of programs has brought Iona national attention and increased support for its value-structured educational system.

As this anniversary is celebrated, Iona is fortunate to have at its helm, Brother John Driscoll. In his 20 years as president, Brother Driscoll has been a leader not only to Iona, its students and faculty, but also to the entire Westchester community. Time and time again, Brother Driscoll has stepped forward to help grapple with problems and to achieve the consensus which is so essential to progress. Brother Driscoll has fostered understanding and brought inspiration to all of those with whom he was worked. The strides that Iona has made are a tribute to his dedication, his insight and his perseverance. The college and all of Westchester are better today as a result of his service.

I congratulate Iona on its dedication to academic enrichment and know that this exceptional institution faces a great future.

INTRODUCTION OF LEGISLATION TO CLOSE SAVING AND LOAN TAX LOOPHOLES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to close savings and loan tax loopholes.

We are all aware of the seemingly never-ending cost spiral of the savings and loan bailout. And we all know that Congress, last year, repealed a variety of savings and loan-specific tax breaks that are generally believed to be responsible for part of the unprecedented taxpayer subsidies provided failed savings and loans in the so-called 1988 deals.

Recently, however, it was brought to my attention that considerable indirect and unintended tax subsidies for this industry remain despite the best efforts of the Congress. The legislation I am introducing would close these loopholes.

The first provision involves the use of net operating loss carrybacks [NOL's]. Thrift institutions may, in general, take a deduction for bad debts equal to 8 percent of their taxable income in a particular year. In the case where a thrift institution has an NOL that is carried back, thereby reducing its taxable income in a prior year, the issue arises whether the taxable income base on which the bad debt reserve deduction for that prior year is calculated is also reduced.

Treasury regulations in effect from 1978 to the present require that taxable income be reduced by NOL carrybacks for purposes of calculating the bad debt reserve deduction of

thrift institutions. However, The U.S. Tax Court in Pacific First Federal Savings Bank versus Commissioner held that the regulations on this point were invalid.

My legislation would simply restore congressional intent so that troubled thrifts cannot reap huge tax refunds. It is important to note that while troubled thrifts receive huge refunds, this additional expenditure of tax dollars in no way reduces the overall cost of the bailout. Rather, these refunds are simply a windfall from the Treasury.

The second provision would close a classic loophole by disallowing losses on tax motivated transactions. In 1980, the Federal Home Loan Bank Board permitted thrift institutions to enter into reciprocal sales of substantially identical mortgage loans without having to reduce their net worth by the difference between the transferred loans' book value and market value. Many thrift institutions have entered into such reciprocal sales for the sole purpose of generating tax losses.

Since institutions do not report losses on these transactions for regulatory purposes and, in fact, have not altered their business position, the sole purpose of such transactions is to generate losses for tax purposes. The second provision of my bill would disallow these losses. In addition, because there is substantial evidence that other financial institutions as well as certain other corporations also conduct similar transactions, this provision would apply to any entity conducting such a transaction.

Mr. Speaker, it is time to take away these unintended benefits. Our constituents are already outraged at the cost of the bailout. These transactions do not reduce the cost of the bailout by 1 penny. We need to send a message to the regulators to stop trying to divert taxpayer's dollars to troubled thrifts through the backdoor.

I would urge my colleagues support.

1. Computation of Bad Debt Deduction of Thrift Institutions with NOL Carrybacks

PRESENT LAW

Thrift institutions may, in general, take a deduction for bad debts equal to 8 percent of their taxable income in a particular year. In the case where a thrift institution has a net operating loss (NOL) that is carried back, thereby reducing its taxable income in a prior year, the issue arises whether the taxable income base on which the bad debt reserve deduction for that prior year is calculated is also reduced.

Treasury regulations in effect from 1978 require that taxable income be reduced by NOL carrybacks for purposes of calculating the bad debt reserve deduction of thrift institutions. One recent decision of the U.S. Tax Court held that the regulations on this point were invalid (*Pacific First Federal Savings Bank* v. *Commissioner*, 94 T.C. No. 10, 2/27/90.

DESCRIPTION OF PROPOSAL

The proposal would codify that portion of the regulation which provides that taxable income be reduced by NOL carrybacks for purposes of calculating the bad debt reserve deduction of thrift institutions under the percentage of taxable income method. The proposal is consistent with the purpose behind allowing carryovers of NOLs to average the taxable income of a taxpayer over multiple years, which results in a more accurate determination of the taxable income of a taxpayer over an extended period of time. If NOL carrybacks do not reduce taxable income for purposes of calculating a thrift institution's bad debt deduction, a thrift institution's deduction for bad debts will be a greater percentage of its taxable income than the 8 percent of the thrift institution's total taxable income.

2. Deduction for Loss on Reciprocal Sales of Loan Pools

PRESENT LAW

Under present law, banks and thrift institutions generally may deduct losses on sales or exchanges of bonds, debenture, note, certificate, or other evidence of indebtedness as an ordinary loss. A loss from an exchange of property arises only where the property received in the exchange differs materially either in kind or in extent from the property exchanged.

Since 1980, the Federal Home Loan Bank Board has permitted thrift institutions to enter into "reciprocal sales" of "substantially identical" mortgage loans without having to reduce their net worth by the difference between the transferred loans' book value and their market value.

A number of courts have held that losses on reciprocal sales of mortgage pools between thrift institutions were deductible as ordinary losses, even though the mortgage pools where subtantially indentical, were tax motivated, and the losses were not recognized for accounting or regulatory purposes. See for example, *Cottage Savings Association* v. *Commissioner*, 90 T.C. 372 (1988)

DESCRIPTION OF PROPOSAL

In general, a loss in connection with exchanges or reciprocal sales of 25 or more substantially identical mortgage loans would not give rise to a loss for tax purposes. A loss will be presumed to be in connection with an exchange or reciprocal sale of substantially identical mortgage loans if a taxpayer does not record a loss resulting from such sale or exchange for accounting purposes. The proposal would stop tax-motivated reciprocal sales entered into for the sole purpose of generating tax losses.

EXCERPT FROM MARK TWAIN'S "THE MYSTERIOUS STRANGER, ETC."

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. JACOBS. Mr. Speaker, in Mark Twain's "The Mysterious Stranger, Etc." at page 119 one finds the following words:

There has never been a just [war], never an honorable one—on the part of the instigator of the war. I can see a million years ahead, and this rule will never change in so many as half a dozen instances. The loud little handful—as usual—will shout for the war. The pulpit will—warily and cautiously—object—at first; the great, big, dull bulk of the nation will rub its sleepy eyes and try to make out why there should be a war, and will say, earnestly and indignantly, "It is unjust and dishonorable, and there is no necessity for it." Then the handful will shout louder. A few fair men on the other side will argue and reason against the war with speech and pen, and at first will have a hearing and be applauded; but it will not last long; those others will outshout them, and presently the anti-war audiences will thin out and lose popularity. Before long you will see this curious thing: the speakers stoned from the platform, and free speech strangled by hordes of furious men who in their secret hearts are still at one with those stoned speakers—as earlier—but do not dare to say so. And now the whole nation—pulpit and all—will take up the war-cry, and shout itself hoarse, and mob any honest man who ventures to open his mouth; and presently such mouths will cease to open. Next the statesmen will invent cheap lies, putting the blame upon the nation that is attacked, and every man will be glad of those conscience-soothing falsities, and will diligently study them, and refuse to examine any refutations of them; and thus he will by and by convince himself that the war is just, and will thank God for the better sleep he enjoys after this process of grotesque self-deception.

Mr. Speaker, Uncle Sam is in Saudi Arabia to defend everything we do not believe in and one thing we want. You might even say that though they send our young to foreign soil, they won't spill a drop of American oil.

INTRODUCTION OF LEGISLATION CONCERNING LOW INCOME HOUSING TAX CREDIT

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today concerning the low income housing tax credit. This legislation encourages nonprofit organizations to invest in and operate low income housing projects, and insures that these projects continue to serve the poor.

Mr. Speaker, the 1986 Tax Reform Act established a tax credit for investors in low income housing projects. This tax credit is one of the few programs that the Federal Government has remaining for low income housing. As one of the Members of the House that helped draft the low income housing credit, I have long held an interest in insuring that the credit works properly and that it encourages the development of housing for the poor.

The Omnibus Budget Reconciliation Act of 1989 contained an important provision to insure that low income housing remains available to those who need it. OBRA 89 contained a provision to make it easier for tenants of low income housing to purchase projects in which they live. My bill extends a similar rule to certain nonprofit organizations, as well as making certain technical corrections to last year's legislation.

Mr. Speaker, as a member of the Committee on Ways and Means, I hope to have this legislation included in any tax bill enacted by Congress this year. I urge support for this legislation, and ask that a technical description of my legislation be printed at this point in the RECORD.

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

The low income housing credit is available to owners of qualified low income housing projects. In general, to be considered an

"owner" of property for income tax purposes, the taxpayer must possess all of the burdens and benefits of ownership, including risk of loss or benefit of increase in the value of property over time. One other indicia of ownership is a free and unencumbered right to dispose of property.

If a right of first refusal attaches to property, a question of owership may arise. The Omnibus Budget Reconciliation Act of 1989 contained a provision which provided that the low income housing credit would still be allowed to investors in low income housing projects even if the tenants of the building had a right of first refusal to purchase the project at the end of the compliance period for a price at least equal to the outstanding indebtedness on the property plus accrued taxes.

A right of first refusal generally implies that an owner of property is required, when and if he decides to sell, to offer the property first to the person entitled to the preemptive right at a stipulated price. A right of first refusal differs from an option in the sense that an option gives the pre-emptioner the power to compel an unwilling owner to sell.

EXPLANATION OF PROPOSAL

The legislation makes several changes to present law. Under the legislation, the provisions of OBRA '89 relating to tenants would be extended to qualified nonprofit organizations. The legislation also makes clerical corrections to the statute and clarifies the right which currently exists to tenants.

A nonprofit organization is qualified only if (1) it is exempt from tax under section 501 of the Internal Revenue Code and described in paragraphs (3) or (4) of section 501(c) of the Code; (2) one of the exempt purposes of the organization is fostering low-income housing; (3) the organization has been engaged in fostering low income housing for at least three years; and, (4) a majority of the members of the board of directors of the organization are residents of the area in which the project is located and have been residents of the area for at least three years. If the qualified nonprofit organization acquires the project, the organization must operate it in accordance with its exempt purpose for the remainder of the extended use period.

For purposes of the bill, board members are residents of the area in which the building is located if the building is in a region which is geographically proximate and economically similar to the residence of the board members. Nothing in the legislation should be construed as requiring that the board members reside in the same Metropolitan Statistical Area in which the project is located.

In addition, the legislation clarifies the rule which currently applies to tenants. Under the bill, the rule only applies with respect to tenants who are occupying the low income units of the building.

EFFECTIVE DATE

The legislation is effective as if included in the Omnibus Budget Reconciliation Act of 1989.

REMEMBER OUR TROOPS IN SAUDI ARABIA

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mrs. ROUKEMA. Mr. Speaker, I doubt that there is a person in this Chamber who is not thinking of, or praying for, our men and women of the Armed Forces who are stationed in Saudi Arabia today. We also remember their mothers, fathers, husbands, wives, brothers, sisters and, yes, children whom they have left behind here in the United States.

I rise today to call to the attention of my colleagues a constituent of mine who has answered this call to duty and the manner in which his wife has also responded to this call.

In order to keep her friends and relatives informed, Lucia O'Dowd, whose husband Michael has been deployed to the Saudi desert, has begun to publish a newsletter in which she explains that it is not just those in uniform who must answer the call to duty, we as civilians must also do our part. I ask my colleagues to listen to the text of the newsletter:

OPERATION DESERT SHIELD UPDATE

DEAR FAMILY AND FRIENDS: I want to first thank all my family and friends that have called Mike and I, concerned about the Middle East situation. The fact that you cared enough to call or just think about us, means so much to both of us.

This past Monday I saw Mike off, on his way to Saudi Arabia. His length of stay could be anywhere from six to nine months. I can't give you his exact location, as that is Classified. We tried, and are still trying, to notify all of our family and friends to let them know the latest in this crisis, as it affects us all.

I decided to start a news letter informing all our family and friends of Mike's status and how he is doing. I also have a favor(s) to ask. It's important that we support our soldiers over in the Middle East and there are several ways for you as individuals to do that. The first, place a yellow ribbon and a red ribbon around a tree in your yard. The yellow is for all of the soldiers over there and the red is Mike's Squadron color. Also, you could wear a yellow and red ribbon. The second, if you have an American flag, please fly it daily, and if you don't have one, get one. The third, following is Mike's address, please write him and let him know you support him and are thinking about him. A few short lines would be worth a thousand words. The fourth, but most important, is, he and the rest of the men and women over there need your prayers. Pray for safety, strength and peace.

My promise to you is to keep you informed with the information I find out. Information coming out of Saudi Arabia will be slow in coming but we have good communication with the Squadron here. I will send my updates out as often as I can and as often as situations change.

To say the least, seeing Mike off was one of the hardest things I have ever had to do. The fact that there is no fighting currently going on there is not much comfort. My comfort comes from my family and all my friends, your prayers and show of support for Mike and the rest, and the fact that I know my husband is one of the best at what he does.

Until the next Desert Shield Update, my thoughts and prayers are with you. God bless America!

Love always,

LUCIA.

Mr. Speaker, the men and women of the U.S. Armed Forces in the desert have the full support of the American people. It is imperative that we, back here at home, follow Lucia O'Dowd's example and continue to express this support whether it be with a yellow ribbon on a tree, by flying the American flag or sending a letter to the troops.

NATIONAL BEACH CLEANUP DAY 1990: CITIZENS MAKING A DIFFERENCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mrs. LOWEY of New York. Mr. Speaker, I rise today to commend the people of Westchester County and all of the responsible citizens in coastal areas of the United States who are giving of their time and energy as participants in National Beach Cleanup Day, 1990, this weekend. This is a laudable effort which will greatly enhance our fragile coastal areas.

There is inspiration and real hope for the future of our coast as participation in National Beach Cleanup Day grows with each passing year. Last year beach cleanups were held in 25 U.S. States and territories. More than 65,000 volunteers participated. These dedicated individuals, from toddlers with their parents to senior citizens, collected 850 tons of debris from nearly 3,000 miles of coastline.

The cleanup crews document the collected debris for a national data bank on coastal pollution. This valuable information will help us develop strategies for specifically targeted pollution control in coastal States. In addition, this year a strong emphasis is being placed on recycling as much beach debris as possible.

Looking at the scope, range and commitment of all those dedicated individuals who care so deeply about our beaches, wetlands and coastal areas, I have no doubt that National Beach Cleanup Day 1990 will be an environmental success. I encourage all of my colleagues to join me in pitching in, rolling up your sleeves, and cleaning up our beaches. It will help drive home the point that we have work to do to save our coasts for future generations.

THE S&L BAILOUT: WHO PAYS?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. VENTO. Mr. Speaker, during the past month, we have all been at the fairs, parades, and town meetings and have heard opinions expressed on numerous issues ranging from the situation in the Middle East to the ongoing

budget negotiations and the need for progress on a variety of other issues such as clean air, child care, and rising health care costs.

But the savings and loan issue that persists in being raised more often and more strongly than others is who should pay for the S&L bailout.

The American people know the story behind the S&L crisis. They know that greed, fraud, mismanagement, and speculation were the precepts for S&L default and failure. They know that the windfall profits of S&L mismanagement went to S&L executives and those rich enough to participate in the brokered deposits, the junk bonds, and the speculative land schemes. What the American people do not understand is why they have to pay for the ill-gotten profits that resulted from the folly of a complete regulatory breakdown.

The current policy path is indeed unfair. Working middle class Americans should not pay for the excesses of the S&L's. We should redress this inequitable policy by ensuring that the Resolution Trust Corporation implement the S&L bailout law in as cost-effective a manner as possible and by recasting the current policy of who pays for the S&L bailout.

A number of proposals have been offered by my task force on the Resolution Trust Corporation to improve the administration of the law. These recommendations, some of which have already been implemented, will result in significant savings to the Federal Government and a reduction in the cost of the bailout. The Vento RTC Task Force will continue to monitor the implementation of the law and to suggest changes aimed at saving taxpayer dollars.

In light of the growing problem with the Bank Insurance Fund, it is crucial that the task force and the whole Congress focus attention on the emerging issue of how and who will pay for the bailout in the S&L crisis. A national focus on this issue is crucial. I and others are concerned that the ongoing budget negotiations will settle for a temporary $100 billion fix to the problem. The problem with this fix is that it is not temporary and it is highly probable to leave middle class America holding the bag.

In order to focus the debate on this issue, the RTC Task Force will hold a hearing on September 26 on the S&L crisis: Who pays? It is my intent to focus the hearing on alternative proposals which will take the nearly $300 billion elephant off the backs of working Americans and put the burden where it belongs on those who have profited from the S&L crisis.

IT'S TIME TO PASS THE BUCK ON FINANCIAL AID IN GULF

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. BROOMFIELD. Mr. Speaker, I read with interest a story in today's New York Times which reports that Jordan may well be ceasing its shipments of food and other goods to Iraq.

If true, it comes long after the United Nations voted strict sanctions against Iraq. According to the Times, 200 trucks a day were crossing Jordan's border into Iraq, stuffed with food and other items.

Its refusal to strictly adhere to the UN sanctions has eased the pain of the blockade, and has given Saddam Hussein additional time to destroy the nation of Kuwait.

Admittedly, Jordan is in a precarious position—both militarily and economically. If the Jordanians finally abide by the UN sanctions, their economy will certainly suffer. Much of it depended on commerce with Iraq and Kuwait.

As a result, they are reportedly asking for more international assistance to compensate them for any losses they might sustain in closing down their borders to commerce with Iraq.

They certainly have just cause to ask for more assistance. But it is worth pointing out that they are already receiving quite a bit of assistance from the Saudis and a number of Western European nations, not to mention the economic and military assistance they continue to receive from the United States.

But if they are forced to look for more aid, I hope they will not look to the United States, which already has committed more than enough of its taxpayer dollars to this crisis, in addition to the far more important commitment of young Americans who are now defending Saudi Arabia from Saddam.

If the Jordanians need assistance, I'd suggest they turn elsewhere, particularly to the oil rich countries in the Gulf. The price of oil is shooting skyward, and if anyone can afford to assist Jordan, it is those countries with plenty of oil and small populations.

What's more, these are the very countries that are benefitting from the blockade and from the international military response to Iraq's invasion of Kuwait.

The American taxpayers are generous people, but there is a limit to how much money they want to lavish on every country that faces financial difficulties.

This is a good time for the international community to start relieving America of some of the burden of keeping peace in the world. And it is time for America to start facing some of its fiscal realities and realize that sometimes the wisest thing to do is to simply pass the buck.

MOOD FOR ENERGY CONSERVATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MAVROULES. Mr. Speaker, in July, I called for a national commitment to energy conservation and a renewed push to develop alternative energy sources. This, I said, would decrease our dependence on foreign sources of energy, specifically petroleum products.

We all know what occurred in August. Since the Persian Gulf crisis our concern over our Nation's energy supplies are more critical than ever.

During the 1970's, after two oil shocks led to economic recessions, this Nation developed a forward-looking energy policy. Research and development for alternative sources of energy, including solar, alternative fuels, coal liquifaction, electric car technology, and others, was funded by the Federal Government. Energy conservation and efficiency was encouraged in our homes and office buildings, in our cars, and in our appliances. Between 1979 and 1986, improved energy efficiency rsulted in saving seven times more energy than that obtained by increased capacity. With today's increased energy consumption, even more could be saved by realistic conservation programs and increased energy efficiency.

What is needed is a national commitment to energy conservation. This takes leadership, especially from the President. In last week's address before a joint session of Congress, President Bush barely mentioned the need for energy efficiency and conservation. This is not leadership. He should be calling on America to use its ingenuity and know-how to develop secure energy sources. In a time of crisis overseas, Americans can be depended upon to take steps to benefit our Nation. This opportunity should not be lost. If we act now, this crisis will be seen as a wake up call for us to address our Nation's energy problems before they become acute and cause tremendous economic displacements.

For example, we can reverse the trend in decreased support for R&D into solar, wind, and geothermal power, and alternative fuels. While any one of these sources may not be applicable in parts of the country, each could be important in the region best suited to its particular utilization. In addition, the use of natural gas, of which our Nation has abundant supplies, should be encouraged as a substitute for imported petroleum products. Conversion of utilities to natural gas, once fully implemented, would save hundreds of thousands of barrels of oil each day by the year 2003. Since more than half the petroleum products used in this country goes for transportation, the use of alternative fuels in automobiles, the World Resources Institute estimates, would save 3 million barrels of oil per day by the year 2005—through implementation of Senator BRYAN's CAFE standards bill from 28 mpg to 40 mpg average efficiency for automobiles.

While increasing our independence of foreign sources of oil, improved efficiency and conservation would also have other desired effects. Our balance of trade would improve since less money would be spent overseas for imported oil. In addition, air pollution would be lessened since some energy sources we have in plentiful supply, that is natural gas, are less polluting than much imported oil. These pollution improvements would be even more dramatic if renewable, nonpolluting energy sources such as solar, wind, and geothermal were substituted for oil. In short, we can improve our energy efficiency, balance of trade and pollution problems simply by becoming more efficient in our use of energy.

The administration, and oil company interests, all but ignore conservation in favor of further development of domestic reserves. These domestic reserves represent less than 2 percent of proven world oil reserves and their use, without the implementation of conservation practices, would only delay the day of reckoning by several years to a decade at the most. Also, many of these reserves are in

environmentally sensitive, ecologically unique, or ecomically important parts of our Nation. The development of areas like the Arctic National Wildlife Reserve in Alaska, or the offshore regions near some of our most important fisheries, like Georges Bank, should be a last resort to insure our Nation's energy supplies, not the first resort. How much better to simply use our energy more efficiently and utilize renewable energy sources than to spoil the last remaining natural areas of our Nation.

In conclusion, it is past time to develop alternative energy resources and implement energy conservation and efficiency programs. It is unconscionable to further delay the drive for energy independence through increased utilization of renewable energy resources and increased energy conservation.

THE TELEPHONE CONSUMER ASSISTANCE ACT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. GORDON. Mr. Speaker, recent technological innovations have created a new telecommunications business known as pay-per-call or audiotext, using 1-900 numbers or 976 numbers.

The 900 business has exploded into a billion-dollar enterprise that almost completely avoids oversight. Of course, the usual fly-by-night scam artists have moved in. They are threatening to give the whole business a bad name, using shady advertising and sales practices to lure children and others into unknowingly running up huge phone bills.

Because almost all of these 900 numbers cross State lines, it is nearly impossible for our State regulatory commissions to supervise them. We need a uniform, national system of rules to inform and protect the public.

That is why today, I am introducing the Telephone Consumer Assistance Act. My bill will set up a comprehensive system of checks and balances in the 900 business so telephone bill payers know what they are getting—and what they are getting themselves into when they dial a 900 number.

Mr. Speaker, my bill is a fair, balanced, and necessary approach that would keep telephone users informed while allowing the 900 industry to continue its growth. I don't think any of us want to see the 900 industry follow the 976 business into oblivion.

ENTREPRENEURIAL EDUCATION PROMOTION ACT OF 1990

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. McDADE. Mr. Speaker, I rise today to introduce a measure of great importance to the long-term health and vitality of our economy and Nation. The Entrepreneurial Education Promotion Act of 1990 is targeted at the young people of America in the hope that through them our position in the world marketplace and as the bastion and protector of free enterprise may be maintained and strengthened in the years ahead.

While it has been the burden of recent generations to toil under the constant military threats and pressures of the cold war, today that dark chapter in global history stands ready to close. In its place an era is opening in which economic might will be the chief determinant of achieving superpower status. While it is those of us in this Chamber who must labor to put our fiscal house in order today and in the remaining years of this century, the young people who sit today in the classrooms of our elementary schools are responsible for managing the crises of the future.

The measure that I unveil today is aimed at instilling in these inheritors of the American dream an understanding of and respect for the importance of this Nation's economic system and how it functions. Only by imparting to our children an awareness of the ingredients of a strong economy, and cultivating in each of them a respect for the important role they can and must play in bringing it about, can the United States maintain its high standard of living and endure as a shining example of what free people can achieve through free enterprise.

Specifically, the legislation, which was one of the key recommendations of the 1986 White House Conference on Small Business, calls for the President and Congress to appoint a national commission to explore how topics such as marketing, micro and macro economic principles, labor relations, finance, management, and foreign language proficiency, among many other subjects, can be better communicated by teachers and mastered by students. In addition, the Commission would be directed to review current domestic efforts in this area as well as analyze the success other nations have enjoyed in this undertaking. The panel, comprised of outstanding citizens with firsthand experience in either free enterprise or education, would issue a comprehensive legislative and executive agenda for the Federal Government to pursue in achieving the goal of more economically literate young people. The Commission's findings are to be submitted to the President and the Congress not later than 1 year after its convening.

Mr. Speaker, each of us here recognizes the critical responsibility we bear in insuring that our children enjoy a better life than we have had. The most important gift we can give them to help guarantee this is the knowledge and understanding of how we have become who we are and how they can take America to even higher levels of greatness. This is the goal of the Entrepreneurial Education Promotion Act of 1990. I hope my colleagues will join with me in bringing about the enactment of this proposal.

THE 1990 CENSUS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 19, 1990 into the CONGRESSIONAL RECORD:

THE 1990 CENSUS

The results of the 1990 census will provide a snapshot of America. The census—which collects information not only on population but on race, income, housing, and family size—will affect all Americans. The changing nature of America, as reflected in the 1990 census, will alter the political and economic realities of the United States for decades to come.

The Constitution requires that the population be counted every ten years. Census results determine the number of seats each state has in the U.S. House of Representatives. Boundaries of congressional and state legislative districts, as well as school boards and city council districts, are redrawn based upon census data. Federal aid to states is based on population figures. In 1989, $120 billion was distributed to state and local governments for over 100 federal programs including: job training, housing assistance, child nutrition, and community development. The census also benefits the private sector by providing businesses with information about consumers. Although the 1990 census data will not be finalized until December, several trends and issues arise from the preliminary data.

BASIC TRENDS

The U.S. population is 250 million, an increase of 24 million over the last census. Some 40% of the growth is from immigration. Four states—California, Arizona, Texas, and Florida—account for 63% of the growth of the American population over the past ten years. As a result, they will gain 15 new seats in the House of Representatives. Washington, Georgia, Virginia, and North Carolina are also likely to collect new seats. States losing seats are located primarily in the Northeast and Midwest, and include: New York, Pennsylvania, Ohio, Illinois, Michigan, and Kentucky. This transfer of political power toward the South and the West is not a new phenomenon, as the Northeast and the Midwest have lost 36 House seats over the past 30 years. A major factor in the Midwest's population loss has been a decline in manufacturing jobs.

Besides the overall population shifts, various trends emerge from the preliminary data. Central cities are shrinking, as the core of older cities loses population to metropolitan areas. Detroit, for example, appears to have lost 19% of its population and Chicago 9%. People are leaving the cities and moving into new, high-growth areas. As a result, the U.S. is becoming a suburban nation, and the central cities face a weakened political base, less federal funding, and few tax dollars to deal with the demands of their lower-income populations. The census data verify the existence of a new trend: the "exurb". The exurb is an area outside of the suburb, but still within commuting distance of the city. Young families in search of affordable housing often move into exurban areas. Rural areas are losing population, marking an end to the "rural renaissance"

of the 1970s. An aging population is moving to popular retirement spots. There has been a hollowing out of the country, as Americans move toward the coastal regions of the United States. Some 47% of Americans now live in states located on the two coasts. While all states bordering on Indiana are expected to lose House seats, Indiana will likely keep all of its ten seats. Final Census Bureau figures are expected to show that Indiana's population has grown by 1%, from 5,490,000 in 1980 to 5,560,000 today. Indianapolis grew while Gary declined sharply. Population growth in the Ninth Congressional District slightly exceeds state growth, with big gains in Monroe, Dearborn, Franklin, and Ohio Counties. Preliminary data suggest a narrowing of the income gap between the northern and southern parts of Indiana.

PROBLEMS WITH THE CENSUS

The 1990 census has been controversial and costly. Alleged undercounting and mismanagement, as well as public apathy and mistrust, have posed problems for the census. Some charge that the Postal Service failed to deliver millions of census forms. Others charge that the Census Bureau has asked too many personal questions. The homeless, the illiterate or non-English speakers, and illegal aliens have been difficult to count. Preliminary census data for Indiana suggest a significant undercount of housing units, resulting in a possible undercount of between 40,000 and 60,000 people. A review process is underway to help correct undercount problems.

PUBLIC POLICY

The population trends will affect American politics. The borders of various congressional districts will be changed to reflect a changing population. How the map is redrawn and what type of people will be added to a district will influence the outcome of elections. With redistricting in the hands of governors and state legislators, partisan conflict is assured. The states gaining population have been more likely to support Republican candidates.

Population growth will force Americans to address issues like infrastructure and immigration, while population decline in central cities will force attention to their isolated social conditions. Organized labor may continue to lose political strength since many of the House seats lost are in areas that have strong unions. Environmentalists may grow more powerful, as environmentally-sensitive states like California become more influential. By picking up seven new House seats, California will have the largest delegation in the history of the Congress. One-eighth of the House of Representatives will be from California, making it a mega-state with enormous potential power. States in the South and West will increase their share of federal funds. With Indiana's population remaining fairly constant, no major changes in its allocation of federal funds are expected.

Taking the census is an enormously complicated task, and is among the government's largest peacetime programs. As more detailed information becomes available from the financial census data, a portrait of America for the next ten years will emerge.

EDUCATIONAL PROGRAMS FOR U.S. PATENT AND TRADEMARK OFFICE EMPLOYEES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MOORHEAD. Mr. Speaker, today I am introducing legislation that would help restore an important financial incentive for U.S. Patent examiners that would codify the Commissioner' current authority to establish and maintain educational programs for U.S. Patent and Trademark Office employees.

Today, the U.S. Patent and Trademark Office [USTPO] receives an increasingly number of patent applications in all areas of technology, including highly competitive areas such as bioengineering, robotics, telecommunications, and computer equipment. To examine these applications in a timely manner, the office needs to hire competent scientists and engineers in many technologically sophisticated disciplines including biochemistry, genetic engineering, and electrical engineering.

These same scientists and engineers, however, are in high demand in the private sector. Thus, the Office currently competes with the private sector, that often offers $5,000 more per year than the office, to hire the 400 to 500 scientists and engineers it needs each year to maintain its current processing goals. After the USPTO hires and trains these people, the private sector can lure them away with promises of higher salaries than the USPTO can offer.

One of the benefits that the office has been able to offer that has tipped the balance in favor of Federal employment in the case of many talented young scientists and engineers is to provide assistance to these examiners who wish to attend law school by paying for those courses directly related to their job duties and performance. This represents roughly half of the expenses of law school. The Office policy, that is consistent with Federal training regulations, has been to pay the tuition directly to the institution as it does with all other job related training programs. It did not include these payments in the employee's wage and earnings statements.

Unfortunately, this benefit has been made less attractive and will not be as effective a tool to attract new scientists and engineers in the future or to retain examiners now at the Office. In 1988, section 127 of the Internal Revenue Code, relating to educational benefits, was amended to make all payments by employers for law school expenses taxable income to the employee unless otherwise excluded. This amendment coupled with very narrow interpretations by the Internal Revenue Service of provisions relating to fringe benefits (section 132) and trade and business expenses (section 162) led the Internal Revenue Service to conclude that these payments are taxable income. As a result, the Patent and Trademark Office announced in July of this year, that they had been advised by the IRS that these payments were taxable income and that the Office would issue revised W-2 forms for tax years 1988 and 1989. They also announced that they will include all payments in the W-2 forms for 1990 and future years.

Including payments for tuition assistance in the employee's gross income effectively reduces the employee's after tax income as much as $3,000 to $4,000 per year. As most examiners participating in this program are paid at the GS-7 through GS-12 levels, approximately $20,000 to $36,000 per year, this additional tax burden represents a significant reduction in their take-home pay. When potential employees now compare the pay and benefits offered by the USPTO and the salary and benefits level offered by the private sector, fewer will accept jobs at the USPTO. Those who do decide to work at the USPTO will be less likely to hone their skills by attending law school because of the cost, and those now in the law school tuition program will seek higher salary positions in the private sector.

Thus, the Office will fail to attract or will lose many highly motivated and productive young employees, those employees who would otherwise be the most likely to move into management and specialized positions in the Office. In the long term, both the public and industry will be the losers in this brain drain at the Office while the Treasury will reap only an extremely modest amount of money.

Furthermore, the Office will have to apply these rules to prior tax years. Examiners who have participated in the law school assistance program will be taxed on the payments made in tax years 1988 and 1989, years in which they did not believe they incurred a tax liability by accepting this assistance. Depending on the amount of assistance received, this could cost examiners an additional $6,000 to $8,000 in taxes. To meet this financial obligation, employees will seek out higher paying private sector jobs, making the brain drain a certainty instead of merely conjecture.

To restore this incentive for patent examiners, this bill would add a new subsection to title 35 that would codify the Commissioner's current authority to establish and maintain these educational programs for USPTO employees. Specifically, it would permit the Commissioner to authorize participation in and payment for law school courses. More significantly, however, the bill would add a new section to the Internal Revenue Code that would specify that certain authorized educational benefits provided by the Patent and Trademark Office under title 35 would be excluded from gross income. That is to say, these benefits would not be taxable. This provision would only apply to employees of the USPTO; others would not be affected. Also, this proposal, like existing exclusion for similar Department of Defense programs, would not affect the existing provisions of the Internal Revenue Code related to educational benefits, fringe benefits, or trade and business expenses. These provisions would be retroactive to include tax year 1988.

While it is conceded that each year the Treasury may lose some income due to this provision, it would be only a small amount, and is justified in comparison to the benefits received by the public and our high-technology industries through prompt and high-quality patent examination. Moreover, in most cases, the taxes have not yet been collected, so there will be no net loss to the Treasury.

FEDERAL FUNDING FOR STUDENTS IS NOT EQUITABLE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. OWENS of Utah. Mr. Speaker, last week I was briefed on the interim education study that was required under the Hawkins-Stafford amendments in 1988, a requirement which was added to that bill by an amendment which I offered. This shocking study blatantly shows that the formulas used today for dispursing Federal education funding are not equitable in any manner or degree. As we in Utah suspected, Utah falls last in overall Federal funding for students.

This is an outrage. Utah has 1 percent of the student population in the United States. Over one-third of Utah's population is below the age of 18. Utah is increasingly becoming a source of skilled workers for the rest of the Nation's future, yet our share of Federal funding for education is dead last.

The interim study shows that a bias exists in chapter 1 funding disbursements. Since many of the appropriation bills already passed by the House rely on chapter 1 disbursements, I recommend that all Members look very carefully at their own States to see how this formula causes inequity in Federal funding allocations in education.

The interim study shows the disparity of the total Federal aid/pupil varies by up to a ratio of 2.6:1. It shows that large States, States with high enrollment-to-population ratios, and States with declining enrollments tend to receive more aid. Per pupil allocations of chapter 1 LEA grants are far above average in the Midwest and well below average in the West.

These are only a few of the interim report's findings. The Department of Education is looking at alternatives to a more equitable allocation of Federal funding formulas. I strongly urge all Members to look carefully at this interim study. If we are truly committed to education this decade as a requirement for a viable, competitive work force, we must guarantee that Federal funds reach the intended student populations. All students deserve an equitable, quality education without discrimination based on institutional inequities. There are already enough barriers to a quality education locally without the Federal hand slapping local educators in the nose. I urge all of us to change this heavy hand to a helping hand.

ALTHEA T.L. SIMMONS, AN INCURABLE ACTIVIST

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. EDWARDS of California. Mr. Speaker, 12 years ago, Althea T.L. Simmons was appointed director of the Washington office of the NAACP, becoming chief lobbyist for the Nation's oldest civil rights organization.

She succeeded Clarence Mitchell, who walked these Halls for nearly 30 years lobbying for enactment of Federal antidiscrimination legislation.

Clarence was known as the 101st Senator and when he retired, the unspoken assumption was that his successor would pale in his long shadow. Althea, sensitive to those perceptions, dealt with them in her characteristic fashion—head-on. She acknowledged Clarence's special standing and then took steps so that civil rights advocates and Members of Congress and their staffs got to know her. She didn't compete with the Clarence Mitchell legend; no, she was her own person. And what a person she was.

Althea arranged an introductory meeting with me shortly after her arrival in Washington, DC, and proudly told of her Texas and California ties. I remember too, how striking she was, so tall and regal. She had a commanding aura which let you know in no uncertain terms that her mission was important. And she also had a smile that could melt the snows of Mt. Kilamanjaro. Indeed, she was majestic just like that mighty mountain.

Mrs. Simmons was an effective and principled advocate; her constituents were justifiably confident that she would not support legislation which in any way diminished the hard-won rights of African-Americans. Time and again she demonstrated her deep commitment to guaranteeing civil rights to persons of African descent around the world and her compassion for the equality struggles of other minorities and women. Perhaps the best testament to Althea's success and influence as a lobbyist is the fact that whenever a civil rights issue was presented to the Congress, Members and staff wanted to know Althea's position.

This, understandably, is a difficult time for Althea's family and friends. But I know in the last several months she took great care in bringing family members together with her friends so that they might get to know each other. I hope her friends and loved ones can find solace in the fact that her contributions were recognized during her lifetime. In 1989, Althea was one of 75 women featured in the book, "I Dream a World—Portraits of Black Women Who Changed America." What follows is Althea's self-description of "an incurable activist":

A turning point in my life came while I was at Southern University. Thurgood Marshall came to Louisiana to argue the equalization of teachers' salaries. He asked to have two students take notes and, luckily, I was one of them. I saw him question the state superintendent of education who squirmed like a little boy who had gotten caught with his hand in the cookie jar. I said wherever Marshall went to law school that's where I wanted to go. I went to Howard University because that's where they were teaching civil rights.

When I got out of law school in 1956, I went back home to Dallas and the person I was working for was the dean of black lawyers in Texas. He said, "All right, baby, I'm going to teach you some law." The first case I had to do some research on was the State of Texas against the NAACP. They were putting the NAACP out of business.

After being a volunteer for the NAACP, I decided to come on staff for one year to help them out. Well, that one year was over twenty-five years ago.

When Clarence Mitchell, who was my predecessor in this job and who had been here twenty-nine years, retired in 1978, I was transferred to Washington to be the chief lobbyist. Clarence Mitchell was a living legend. There was not a civil rights measure that had been passed in modern history that his fingerprints were not on.

I recall quite vividly when Mr. [Benjamin] Hooks [Executive Director of the NAACP] took me to the White House to introduce me to President Carter. The President said, "Miss Simmons, you've got some very big shoes to fill." And I said, respectfully, "Mr. President, nobody can fill fill Clarence Mitchell's shoes. I'll have to walk in my own footsteps."

I think I have the respect of both parties on the Hill. A lobbyist's stock in trade is your credibility, and even though I had my association, whether or not I could represent it depended on me.

I often say that I am a double minority, black and female, and it cuts both ways. Even when I'm accepted as a black, I have to fight the female portion. If you're female, you've got to be able to prove that once a month you're not going to go down the drain, that you're able to hold your own. And that's true within the race and outside the race.

We do the voting records on all 535 members of the Congress. We put out voting records on a quarterly basis and then we do what we call a civil rights report card. When a bill is signed into law, it gives me a good feeling to know that I was here and an important link in the chain that made this law a reality.

You find people who misunderstand affirmative action. We still have not determined that America is for everybody. If you go to Appalachia with rural whites, you can really see it when you start talking about empowerment. When you find people in certain classes, there is an attempt to keep them in those classes, be it the rural white in Appalachia or the rural black.

When the 1964 Civil Rights Act passed with the public accommodations section, we went down to Mississippi to help people learn to use the law. I stayed in a motel where the windows went all the way down to the floor, and I was terrified. I put a chair on the bed next to the window, then my luggage and then another chair. Then I got on the edge of that other bed and had one hand on the floor and one hip on the bed. That's how I slept. But we knew that if some of us didn't go down there and stay in those motels and go to those eating places, the folk who were there would be loath to go becuase of the hostility. The Congress had spoken, the President had signed the bill, and we had to show that it was available for them.

In Mississippi two young Klansmen came in and threw trash on the table where my secretary was registering people to vote. They said to get out of town and that they were going to tear the place up. I walked up to one of them and jammed my finger in his chest and said, "You don't tear up anything I put together. Now get out of here!" Common sense would tell you, don't do that. I didn't think, I just acted. I was mad.

The most dehumanizing incident of my life occurred in the late 1950s while we were trying to desegregate the eating facilities in Dallas. My sister, who was one of the first black students in law school at SMU [Southern Methodist University], and a white male law student and I sat at the lunch counter in the bus station downtown.

Nobody shouted at us, nobody said anything to us, nobody wiped the counter where we were. They just ignored us. We sat there for about five or six hours. Nobody made any kind of gesture that could be perceived as being hostile. We just didn't exist. Even now it's painful because I am a person and for all practical purposes, I did not exist.

We are seeing increased racial bigotry and that disturbs me. There should be no need for my organization. We're trying to work ourselves out of business. Unfortunately, I wanted to see that in my lifetime.

Have I given up hope? No. I am an incurable activist. I can't believe that the American people are so closed-minded that they can't see the necessity to use all our human resources.

TRIBUTE TO MARTHA TRUE, PIONEERING LABOR LEADER

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. DARDEN. Mr. Speaker, one of the leading figures in Georgia's labor movement is retiring this week when Martha True departs from her position as Secretary-Treasurer of the Georgia State AFL-CIO. Ms. True has been involved in the labor movement for 39 years. She has spent 18 of those years with the AFL-CIO.

She was the first and only woman president of Communications Workers Local 3204, and she has distinguished herself as a statewide labor leader. Her active service will be missed, but she is certainly deserving of more time for herself and her family.

Mr. Speaker, Martha True is being honored on September 21 by those she served and served with, and I am pleased to bring her work and the admiration many have for her to the attention of the House of Representatives.

On a personal note, I want to also state that she has been my personal friend and loyal supporter for almost 20 years. Her sense of humor, candid assessments of her friends and foes alike, and her strong loyalty to her friends and family are legend. While we will miss her on the job, I look forward to our continued friendship and association.

A SALUTE TO THE NAVAL ORDNANCE STATION, INDIAN HEAD, MD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. DYSON. Mr. Speaker, I rise today to salute the Naval Ordnance Station, Indian Head, MD, which will be celebrating its 100th anniversary on September 25, 1990. The continuing success of this facility is a tribute to the hard work and dedication of its employees, who have responded admirably to the sweeping changes and challenges which our Navy has faced in the century since the station's founding. I would also like to salute the residents of the town of Indian Head, its mayor, Warren Bowie, and town council members, Helen J. Todd and Dennis J. Scheessele, for their strong and continuous support of this vital military base. I am proud to share with my colleagues a brief history of the Naval Ordnance Station on this momentous occasion.

The Naval Ordnance Station began in 1890 as the Naval Proving Ground, responsible for the proof-testing of all guns turned out at the Navy Yard, and for testing powder purchased by the Navy Department. In 1921, the facility became known as the Naval Powder Factory, reflecting its new function as a chemical factory and research laboratory, and producer of gunpowder for the U.S. Navy. During World War II, it was considered one of the leading war supply stations, rapidly expanding to meet the demand for gunpowder.

Taking a new direction after World War II, the facility shed its former name and became the Naval Propellant Plant in 1958, providing missle fuel and propellant for increasingly sophisticated weapons, aircraft, and ships. The facility retained its status as the Naval Propellant Plant until 1966, when it became the Naval Ordnance Station, reflecting its expansion from propellants into the related fields of chemistry and engineering. Today its mission centers on providing a range of energetic materials and technical support to the Navy, as well as assistance in projects for NASA and other agencies.

The Naval Ordnance Station's talented employees take great pride in their missions. In recognition of their achievements, the station has been designated a U.S. Navy "Center of Excellence" for six of its technologies. These are: Guns, rockets, and missile propulsion; energetic chemicals; ordnance devices; missile weapons simulators; explosive process development engineering; and safety and environmental protection.

Among its dedicated employees, the Naval Ordnance Station boasts nearly 800 engineers. With aerospace, chemical, electronic, mechanical, civil, material, industrial, and safety engineers, the Naval Ordnance Station possesses capabilities unrivaled by any Department of Defense military base. In addition, the facility is a national resource for solid propulsion and explosive technology. For example, one of the station's divisions manufactures cartridge actuated devices [CAD's] used in military aircraft aircrew escape systems, which eject pilots from aircraft during emergencies.

The station, the town of Indian Head, and Charles County have spent 2 years planning exciting events for this landmark centennial celebration. Despite the technological evolution our military has undergone over the past century, the Naval Ordnance Station has successfully met all challenges and responded to the needs of our Nation. Further, there are very few bases which last for 100 years—and it is even rarer to find a base this old that serves as more than a site for administrative work.

Capt. Edwin P. Nicholson, the current commanding officer of the Naval Ordnance Station, recently put into words what he envisions for the Naval Ordnance Station over the next 25 years: "Before us stands an open book * * * I envision an ever-increasing role for the Naval Ordnance Station. In 1890, the Naval Ordnance Station began with proof-testing cannons, and with each passing quarter century we have seen its leadership explore and develop new technologies to meet the ever-changing needs of America. I know that whatever tomorrow brings, it is certain that with the dedication of its people and commitment to technical excellence, the Naval Ordnance Station at Indian Head will continue to be the site of history-making progress."

TRIBUTE TO HON. MICHAEL G. MOSCHETTI

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to congratulate a distinguished public servant from the 12th Congressional District of Pennsylvania who will be retiring on September 28, 1990. The Honorable Michael G. Moschetti, district justice in Westmoreland County, has been serving the people of our area in many different capacities over the past 34 years.

Mr. Moschetti was appointed as deputy sheriff in Westmoreland County in 1956. He spent 15 years in the sheriff's office, and served as an alderman from 1962 to 1970. He was appointed as a district justice in 1975, and has been reelected to this position since that time.

Mr. Moschetti exemplifies the dedication and hard work that so many of our local public officials display. People in Westmoreland County have come to rely on him for his fairness and evenhandedness as a district justice over the past 15 years, and his presence on the bench will be sorely missed. I salute Mr. Moschetti upon his retirement as district justice, and wish him many enjoyable and productive years to come.

THE PROVIDENCE-ATTLEBORO BRANCH OF THE AMERICAN ELECTROPLATERS' AND SURFACE FINISHERS' SOCIETY CELEBRATES ITS DIAMOND ANNIVERSARY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the Providence-Attleboro Branch of the American Electroplaters' and Surface Finishers' Society. The Providence Branch is celebrating its Diamond Anniversary Year.

Founded in 1916, the society is a nonprofit professional and educational society for the advancement of the science of electroplating and allied surface finishing techniques.

The primary purpose of the society is that of education through monthly technical meetings, and offers the only yearly Metal Finishing Training Course in New England.

The impact of electroplating and surface finishing is seen in nearly every segment of the

national economy. Consider that the aerospace, electronics, jewelry, aircraft, automotive, emblematic, applicance, marine, and lighting industries could not produce finished products without the surface finishing operations which give functionality and aesthetics to finished products.

Since 1979, the branch has been an active supporter of Meeting Street School for Handicapped children in East Providence, RI. Through raffles at monthly meetings and biennial auctions, the Providence-Attleboro Branch has raised over $27,000 for Meeting Street School.

I congratulate the Providence-Attleboro Branch of the American Electroplaters' and Surface Finishers Society for their 75 years of commitment to the education of our community in its constantly changing industry.

TRIBUTE TO THE LATE BILL AUST

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. HERTEL. Mr. Speaker, this is National Firefighter's Week and I rise today to speak in memory of Mr. Bill Aust who was a dedicated member of the Detroit Fire Department. Bill died on June 2, 1990 and those of us who loved him, his family, his friends and his fellow firefighters recall him fondly during this week set aside to honor those dedicated to the profession that he loved so much.

Bill was a lifetime resident of Detroit. He fought age limitation regulations in 1986 to become the oldest individual to graduate from the Detroit Fire Department Training Academy at the age of 41. Graduation day was said to be the happiest day of Bill's life; he admitted that he always dreamed of being a firefighter and waited a long time to see his dream come true.

Prior to joining the Detroit Fire Department, Bill met with success in many other endeavors. He served two tours in Vietnam and was awarded the Purple Heart. After returning from Vietnam, he worked as a journeyman bricklayer for the City of Detroit Housing Department from 1977 to 1986. He attended courses at Wayne State University evenings and earned a Bachelor of Science Degree in 1986. He was active in the Veterans of Foreign Wars, the Disabled American Veterans, the American Youth Hostel, and the Boy Scouts of America.

Bill's wife Patricia, his daughters Kristie and Shawn, his mother Irene, and his sister Suzanne Roels, will certainly recall their loved one during this week that has been set aside to honor those, like Bill, who sacrificed of themselves to serve as firefighters. There are certainly many very positive things in his life to ponder and I ask my colleagues in the House to pause at this time to pay tribute to this man who accomplished a great deal, and did so much for other people in his life. Although he was not amongst us long, we will remember the good that he did for so many others for a long time to come.

SCHEDULE THE BRADY BILL FOR A VOTE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. GONZALEZ. Mr. Speaker, I rise today to urge that the Brady Handgun Violence Prevention Act, H.R. 467, be allowed under the rule as an amendment to the omnibus crime bill. I have heard that the National Rifle Association is being given an opportunity to offer its amendment to the crime bill, and it is only fair that the Brady bill be given equal time.

I am a cosponsor of the Brady bill. This bill does not ban handguns, but only restricts their sale, delivery, or transfer in a way that will prevent those who should not have possession from gaining possession. It is not unduly burdensome to require a waiting period for the purchase of a handgun; most States already require a waiting period for other public policy reasons, such as for marriage.

Mr. Speaker, I was one of the original sponsors of legislation to provide benefits to the families of public safety officers killed in the line of duty. Now, I am hearing from these same people, from the public safety officers' organizations, and they are actively supporting the Brady bill. We owe it to those who place their lives on the line every day in protecting the public an opportunity to have their legislation voted on. If those who argue for the complete freedom of gun ownership are allowed their day, I believe that those who are often the target of illegal use of guns should also have their day. The increases in domestic violence and accidents resulting from the unlawful possession and use of firearms make the strongest case for the enactment of a measure whose primary goal is that of public safety.

Mr. Speaker, if those of us who support this bill cannot be accommodated under the rule for the crime bill, then I urge that floor action be scheduled separately on this legislation prior to adjournment. With each assassination or attempted assassination of a public official, there are renewed calls for such legislation. We should not have to wait for another assassination, Mr. Speaker. If we act now, we may be able to prevent future tragedies.

CURRENT SITUATION IN ARMENIA

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. HUGHES. Mr. Speaker, I would like to draw my colleagues' attention to the current situation in Armenia. Several areas of the Soviet Union have been torn by ethnic strife, but perhaps none more so than Armenia. Tension growing out of the ethnic and territorial conflicts with neighboring Azerbaijan raises the possibility that the Armenian people may have to endure yet another great tragedy.

Armenia has certainly had its share of misfortune. Between 1915 and 1923, 1.5 million Armenians were killed under the Ottoman Empire. The U.S. Congress, to my deep regret, has yet to officially recognize this great tragedy. I have repeatedly supported legislation to do so, but the political concerns of other Members that such a bill would offend the current Government of Turkey have so far prevented enactment of this legislation. The modern Government of Turkey is a completely different entity than that of the Ottoman rulers. It should be understood by all that the purpose of these bills is not to blame a modern country for something that happened 70 years ago, but rather to acknowledge this terrible tragedy and the sorrow it caused.

More recently, Armenia has endured a horrible earthquake, violent clashes with its Azeri neighbors, and is still suffering because of an Azerbaijan blockage. We must also take advantage of the goodwill that is developing between our country and the Soviet Union and urge President Gorbachev to protect the safety of all people in that region and recognize Armenia's right to self-determination.

Mr. Speaker, this situation is a frustrating one, because there is only so much that a Member of Congress can do about conflicts in another country. Nonetheless, I urge my colleagues not to forget Armenia amidst the crisis in Kuwait, and to join me in supporting the Armenian people.

IN SUPPORT OF THE BOSCO AMENDMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. MARKEY. Mr. Speaker, in 1981, Ronald Reagan took office saying that nuclear nonproliferation was none of our business and that the United States shouldn't sign a Comprehensive Test Ban [CTB] Treaty with the Soviet Union until we no longer had to rely on nuclear weapons for our defense. These two policies are inextricably linked—they are different sides of the same nuclear coin.

It is because we had no effective nuclear nonproliferation policy;

Because the United States attacked Israel when it tried to prevent Saddam Hussein from getting the bomb by destroying the Osirak reaction;

Because we turned a blind eye when France, West Germany, Italy, and Brazil sold nuclear materials and nuclear technologies to Iraq;

Because we valued signing a nuclear cooperation agreement with the People's Republic of China more than we feared China's reckless proliferation policies around the world;

Because we repeatedly waived United States nonproliferation laws for Pakistan despite its relentless efforts to acquire nuclear explosives; and

Because we failed to fulfill our disarmament obligations under article VI of the Nuclear Non-Proliferation Treaty, that we today find ourselves facing down a Saddam Hussein who is estimated to be within 5 years of obtaining nuclear explosives.

We have to recognize that if we want to have an effective nuclear nonproliferation regime, we have to meet our article VI disarmament obligations. A comprehensive test ban is viewed by most of the world as the sina qua non for meeting our article VI treaty obligations. Last week, the NPT Review Conference broke down without issuing a final declaration because the United States refused to commit to negotiating a CTB by 1995.

The Soviets are now in a defacto test moratorium. They haven't tested since last October because of internal environmental and political concerns. We've already have installed nearly a dozen seismic monitoring stations on Soviet soil using Pentagon funding that we can use to detect any cheating. It seems to me that we have a perfect opportunity to conclude a test ban, meet our article XI obligations, and move on to build a new alliance with the Soviets to stem the spread of weapons of mass destruction to unstable and dictatorial regimes in the Third World.

IN MEMORY OF CLIFFORD SEGERBLOM

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 1990

Mr. BILBRAY. Mr. Speaker, it is with great sorrow that I rise today to pay tribute to an outstanding Las Vegan, Clifford C. Segerblom, who died Saturday, September 8, at the age of 75

Cliff Segerblom was a renowned artist, teacher, photographer, and Boulder City judge. He will be remembered for his many contributions to the community both in Nevada and the Nation.

Cliff was born August 1, 1915, and lived in Clark County for 51 years. He served as a foundation of the local community through his service on the Boulder City Library board and the State park commission, including its chairmanship. He also served as a justice of the peace and for 16 years a Boulder City municipal judge. Cliff's loss to the local community is already felt.

Cliff's contributions to photography and painting are well-known, including his rendition of the Apollo 12 splashdown that hangs in the National Air and Space Museum in Washington, DC. Cliff's photography graced the pages of national magazines including Time, Life, and National Geographic.

While achieving national recognition, Cliff made long-lasting contributions to the development of local art and culture. He founded the photography department of UNLV and taught painting at the school. Cliff's works include many depictions of rural Nevada and has a strong representation in the artwork of Nevada. Cliff's local contributions to art will be sorely missed.

For his dedication and success in our community, Cliff received the Governor's Arts Award and the UNR Alumni's Professional Achievement Award, but no award could properly reflect the consistent rewards that Nevada reaped from Cliff.

I extend my deepest sympathies to his wife Gene, his son Richard, daughter Robin Liggett, and all of his family.

Mr. Speaker, the passing of Cliff Segerblom is a great loss to the State of Nevada. His contributions to national and local culture will be sorely missed for generations. I hope that many learn from and follow Cliff's example.

I thank my colleagues for this opportunity to pay tribute to this admirable man in the permanent history of this body. It is a great privilege.

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 Thursday, September 20, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Richard Y. Roberts, of Virginia, to be a Member, Securities and Exchange Commission.

SD-538

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

Judiciary

To hold hearings on the nominations of William B. Shubb and David F. Levi, each to be a United States District Judge for the Eastern District of California, James Ware, to be United States District Judge for the Northern District of California, Jean C. Hamilton, to be United States District Judge for the Eastern District of Missouri, Samuel B. Kent, to be United States District Judge for the Southern District of Texas, and Gary L. Taylor, to be United States District Judge for the Central District of California.

SD-226

Joint Economic

Technology and National Security Subcommittee

To hold hearings to examine U.S. policies on high technology exports to developing countries, focusing on export control programs and whether the policies that guide the programs effectively serve U.S. foreign policy, national security and economic objectives.

SD-138

2:00 p.m.

Armed Services

Closed business meeting, to mark up S. 3025 and S. 3026, bills to make members of the Armed Forces involved in Operation Desert Shield or similar operations eligible for certain benefits and to make members of the reserve components of the Armed Forces and retired members of the Armed Forces eligible for certain benefits when ordered to active duty in connection with a mobilization, and other related proposals.

SR-222

SEPTEMBER 25

8:30 a.m.

Office of Technology Assessment

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

Conferees

On S. 2830, 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, and to ensure consumers an abundance of food and fiber at reasonable prices.

SR-332

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine abuses in Federal student assistance programs, focusing on lenders, guarantee agencies, loan services and the secondary markets.

SD-342

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

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

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 3045, to authorize the Federal Deposit Insurance Corporation to increase deposit insurance premiums as necessary to protect the Bank Insurance Fund (BIF).

SD-538

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