SENATE—*Tuesday, May 14, 1991*

(Legislative day of Thursday, April 25, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by Rabbi Tzvi Porath, of the Adat Reyim Congregation of Neighbors, Springfield, VA.

PRAYER

Rabbi Tzvi H. Porath, Adat Reyim Congregation of Neighbors, Springfield, VA, offered the following prayer:

Our Heavenly Father, we invoke Thy blessing upon the Members of the Senate of the United States as they prepare to deliberate the vital issues affecting our Nation.

We are grateful to Thee for Thy gift of the moral and spiritual teachings which have become part and parcel of the fundamental beliefs upon which our country was founded.

We ask Thee to imbue those who guide the affairs of state with insight and wisdom "so that justice and equity, peace and serenity, happiness and prosperity abide among us.

"May all the inhabitants of this Nation join in a common bond of fellowship and brotherhood to banish hatred and bigotry, to safeguard the ideals and free institutions which are the pride and glory of our Nation.

"May this land under Your providence continue to be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: 'nation shall not lift up sword against nation, neither shall they learn war anymore[1]'" 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, May 14, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD 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.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 a.m. this morning, the Senate will proceed to the consideration of Calendar No. 61, S. 100, the Central American Democracy and Development Act, with the time between 11 a.m. and 12:30 p.m. today for debate only on the bill. The Senate will recess from 12:30 p.m. until 2:15 p.m. to accommodate the respective party conferences.

Upon reconvening at 2:15 p.m. today, under a previous unanimous-consent agreement, the Senate will go into executive session to consider four treaties from the Executive Calendar. The treaties will be considered under an overall time limit of 10 minutes, with the time equally divided and controlled between Senators PELL and HELMS or their designees. When the time is used or yielded back, the Senate will conduct one rollcall vote, to count for four votes, or ratification of the treaties.

Once that rollcall vote has been concluded, the Senate will return to legislative session to resume consideration of S. 100. Senators should be alerted to the possibility of further rollcall votes, once the Senate resumes consideration of S. 100, following the vote on the treaties.

RESERVATION OF LEADER TIME

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. 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.

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BIDEN. I understand that statements are limited to 5 minutes in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be permitted to speak in morning business for 15 minutes.

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

The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1046 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 1046 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FAST-TRACK DISAPPROVAL RESOLUTION

Mr. BAUCUS. Mr. President, the U.S. Constitution carefully divides power between the President and the Congress. This division complicates inter-

[1] Adapted from "Siddur Sim Shalom."

national trade negotiations. The Congress is explicitly granted authority to "regulate foreign commerce" and levy duties. But the President is charged with conducting foreign policy and negotiating with foreign nations.

Obviously, 535 Members of Congress cannot conduct international trade negotiations. But the President does not have authority—independent of Congress—to negotiate changes in U.S. duties or trade laws. A bargain had to be struck between the President and Congress to allow the United States to enter international trade negotiations. That bargain is known as fast-track negotiating authority.

Simply put, that fast track allows the President to negotiate trade agreements with the assurance that Congress will vote on the agreement without offering amendments. In return, the President is required to consult with Congress throughout the negotiations.

The bargain retains Congress' authority to make the final decisions on trade policy. But it grants the President's negotiators the credibility they need to enter into trade negotiations with our trading partners.

In 1988, we expanded the fast-track bargain. We granted the President fast-track authority for 2 years to negotiate a new GATT agreement and bilateral free-trade agreements. In return, the Congress set certain objectives for the negotiations and required increased consultations. The Congress also required that the administration pursue a vigorous bilateral effort to remove specific trade barriers using section 301.

Now the President is seeking to extend this bargain for an additional 2 years. Does the bargain still make sense? I believe that it does.

THE PRESIDENT'S SIDE OF THE BARGAIN

Though it was not always true in the past, the administration and the Congress have been partners in recent trade negotiations. Ambassador Hills has been very willing to consult with Congress. Some have said she actually consults too much. And the consultations have been meaningful; the administration has changed the U.S. negotiating position in response to congressional concerns.

In Congress, there is solid support for United States objectives in the Uruguay round regarding trade in agriculture products, trade in services, and protection of intellectual property. But largely at Congress' suggestion, the administration increased the priority assigned to eliminating agricultural export subsidies and lowering tariffs in the GATT negotiations.

More importantly, the administration responded to congressional concerns recently and established a plan to address worker adjustment, worker's rights, and environmental concerns in the negotiations with Mexico.

In addition, the administration has employed the section 301 provisions in the 1988 Trade Act. Though I would have liked to have seen section 301 used more aggressively, the administration has used Super 301 to open markets and has begun to use Special 301 to protect U.S. intellectual property. The Administration also has negotiated bilaterally to open markets for U.S. exports of semiconductors, telecommunication products, airplanes, and other products.

Do not get me wrong. I expect the administration to do more in each of these areas. I further expect the administration to work with us to improve section 301 by adding the Trade Agreements Compliance Act to section 301 and extending Super 301. But thus far, the administration has held up its end of the bargain.

CONGRESS' SIDE OF THE BARGAIN

Now, it is time for the Congress to do its part and extend the fast track.

With an additional 2 years to negotiate, the administration should be able to conclude the current round of GATT negotiations and complete a North American Free-Trade Agreement. A successful Uruguay round could increase exports of U.S. agricultural products, services, intellectual property, and many other products. Over 10 years, U.S. exports could increase by $200 billion and the U.S. economy could grow by $1.1 trillion. That means hundreds of thousands of new American jobs and higher living standards for most Americans.

And the benefits of extending fast track do not stop there. A successful North American Free-Trade Agreement would grant U.S. business unfettered access to a $6 trillion market of 360 million consumers—the largest in the world. This would provide a tremendous economy of scale advantage to United States businesses vis-a-vis their Japanese and European competitors.

But those agreements will not be concluded unless the Congress extends the fast track. History has demonstrated that other nations will not seriously negotiate with the United States without the fast track.

CONCLUSION

Of course, the benefits of free trade will not be held out to us on a silver platter. We will have to compete in international markets to win the benefits.

But if our trade negotiators do their job, U.S. business will be able to compete on a level playing field. And I believe U.S. workers, farmers, and businesses can prosper on a level playing field.

The competitive challenges we will face in international markets are significant. But we cannot bury our head in the sand and ignore them. If the United States is to remain a great country with a strong economy, we must compete, not retreat.

We must reject protectionism, and strive to open markets around the world. Toward that end it is critical that we vote to extend fast-track negotiating authority.

Today, the Senate Finance Committee voted 15 to 3 to extend fast-track negotiating authority. I hope the full Senate will shortly follow suit.

I ask unanimous consent that a series of letters supporting fast-track extension appear in the RECORD immediately following my statement.

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

NATIONAL PORK
PRODUCERS COUNCIL,
Washington, D.C., February 27, 1991.

Hon. MAX BAUCUS,
Chairman, Subcommittee on International Trade, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Pork Producers Council [NPPC], I urge you to move ahead and approve extension of the "fast-track" negotiating authority, so we can continue GATT negotiations. NPPC has been supportive of efforts in the Uruguay Round of the GATT to reduce export subsidies and trade-distorting domestic subsidy programs, and eliminate barriers to market access.

We commend you for your leadership in pursuing a GATT agreement that is fair for U.S. agriculture. We offer our support in any efforts to make sure that these significant trade negotiations continue on course, so we can obtain in multilateral trade agreement that will stimulate world trade in agriculture commodities.

As you know, we benefit from no direct price support programs, but have to compete with the export subsidies of the European Community and a domestic subsidy program in Canada. The European Community has also prohibited any pork imports on the basis of their Third Country Meat Directive. These unfair trade practices, taken separately and together, make it almost impossible for U.S. pork producers to have any opportunity to maintain and expand their markets.

It is our hope that extension of the negotiating authority, coupled with recent positive developments from the EC will provide us with an opportunity to negotiate an agreement that will have long-lasting positive implications for international trade in agriculture.

Sincerely,

MIKE WEHLER,
President.

ANSAC,
Westport, CT, March 4, 1991.

Hon. MAX BAUCUS,
Chairman, International Trade Subcommittee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This letter urges your support in approving U.S. Trade Representative Carla Hills' March 1, 1991 request for "fast track" authority to complete the Uruguay Round multilateral trade negotiations.

ANSAC, representing the U.S. soda ash industry in exports, has a significant stake in the outcome of the Uruguay Round market access negotiations. Soda ash is the principal raw material for making glass. ANSAC exports approximately $400 million in soda ash

to 43 countries and holds 57 percent of the world's import market.

One of the key reasons for ANSAC's success is attributed to the unique mineral deposits of trona ore which enable this country to supply world demand in soda ash for 1,300 years. Most other soda ash is the world (such as in Japan and Brazil) is produced by a much more costly synthetic process. The last U.S. plant using this process closed in 1986.

Notwithstanding the clear competitive edge this country enjoys, U.S. soda ash exports face an array of highly restrictive tariff and non-tariff trade barriers by a number of foreign countries. Since the inception of the Uruguay Round negotiations, ANSAC has worked closely with U.S. market access negotiators to eliminate trade-distorting barriers in Japan, Korea and India as well as other countries. If ANSAC's goals in the multilateral trade negotiations were realized, this could mean an increase of over $100 million in U.S. exports.

Of particular concern to ANSAC as well as our own trade negotiators is the Brazilian Government's continued efforts to protect its local government-owned soda ash producer from import competition. In December 1990 Brazil replaced its policy of banning imports other than by the state-owned company by introducing a prohibitively high 25 percent tariff. In early February, when Brazil implemented a major tariff reform package, it was officially announced that the soda ash duty would be eliminated. To our surprise, the ink was barely dry on the official notice to eliminate the duty when Brazilian President Collor issued a new Proclamation re-introducing the 25 percent duty. While claiming to U.S. Government officials that duty elimination was a "clerical error", it is clear to everyone that the local producer succeeded in revising the President's earlier trade liberalization announcement.

Senate and House approval of the President's "fast track" negotiating authority enabling the Uruguay Round negotiations to continue is critical to eliminating many of the trade barriers facing the U.S. soda ash industry. In the case of Brazil, as well as other countries, the message will be that if they expect improved market access in this country, they must "pay the price" by eliminating trade barriers to such highly competitive U.S. industries such as ours.

We appreciate your attention to this important matter not only to ANSAC but to the many other U.S. exporters that should greatly benefit from a Uruguay Round Agreement.

Sincerely yours,

JOHN M. ANDREWS,
Chief Executive Officer.

WEYERHAEUSER,
Tacoma, WA, March 6, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: Within the next few weeks you will most likely be asked to vote on extending the "fast track" trade negotiating authority that is set to expire June 1st.

I strongly encourage you to support the President's request for extension and oppose any efforts to alter the "fast-track" procedures by changes in the House/Senate rules.

Extension of this expedited legislative procedure is absolutely essential to successful completion of the GATT Negotiations.

"Fast track" procedures provide needed assurance to our trading partners that agreements that have been successfully negotiated will not be subject to last minute alterations. There would be no incentive to enter such discussions in the first place if there is little likelihood that the product will survive legislative review intact.

I believe that the current requirements for consultation, coupled with the responsibility for final approval, are sufficient measures to ensure that Congressional prerogatives are protected.

This may be one of the more important trade votes of the decade, and I urge you to support extension of the current "fast-track" procedure.

Sincerely,

GEORGE H. WEYERHAEUSER,
Chairman of the Board.

SPIEGEL, INC.,
Oak Brook, IL, March 8, 1991.

Senator MAX BAUCUS,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The President of the United States has recently sent to the Congress his request for an extension of the Fast Track Negotiating Authority for implementing trade agreements. This authority is essential to the continuation of the leadership which the United States has provided since World War II to open markets and expand world trade. The extension of the authority to negotiate is not an approval of any specific trade agreement. If new trade agreements are negotiated, they must stand or fall on their own merits.

The GATT does not cover a substantial amount of world trade, including agricultural products, services, and high technology. The Uruguay Round of Trade Negotiations, which began in Punta del Este in 1986, was designed to bring into the GATT those areas of world trade not already covered by GATT. The Fast Track Authority is essential to a successful Uruguay Round Agreement. Without such an agreement, American agriculture, high technology, services, and retailers would be faced with new and damaging trade issues.

The continued expansion of world trade is vital to the U.S. market, to U.S. employment, and to U.S. industries. We urge you to extend the authority of the President to negotiate trade agreements so that an open world market built upon non-discriminatory agreements and laws can be more fully developed. Therefore, we urge you not to cosponsor or support any resolutions disapproving the President's request for the extension of the Fast Track Negotiating Authority.

Very truly yours,

MICHAEL R. MORAN,
Vice President, Secretary and General Counsel.

WASHINGTON, DC, *March 18, 1991.*

Re U.S. Mexico Free Trade Negotiations—Fast Track Procedure.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: NIKE strongly supports the initiative to negotiate a comprehensive trade and investment agreement with Mexico. Generally speaking, such an agreement will have many advantages for the United States such as (i) enhancing the competitive position of the U.S. among emerging trading blocks; (ii) helping develop U.S. borders; (iii) creating jobs in the U.S.; and (iv) giving certainty and predictability to U.S. investors by making Mexican economic liberalization permanent. The footwear industry is specifically advantaged by the elimination of duties on shoes imported from Mexico. This duty reduction will result in substantial savings to U.S. consumers.

There is, however, an important first step which must be taken before the negotiations can get underway—that is maintenence of fast track procedures. The fast track procedures set forth in the Trade Act of 1974 were devised to assure that international trade agreements will be considered by the Congress within a definite time frame. It is NIKE's position that maintenence of fast track procedures is essential to negotiate a comprehensive agreement with Mexico that is in the best interests of the United States.

I intend to work very hard to make sure that fast track procedures are maintained. Your support and assistance is strongly encouraged and always appreciated.

Sincerely,

GRANT W. HANSON.

PHILADELPHIA, PA,
March 18, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: I am writing in support of President Bush's request for a two-year extension of the "fast track" legislative procedure which will enable him to negotiate trade agreements on behalf of the United States.

Scott Paper is the world's leading manufacturer and marketer of sanitary tissue paper products. We have operations in 21 countries and market products in over 60 countries.

As a multinational company, we have consistently been a strong voice in the business community for free trade. We now have a real opportunity to advance the goal of free trade through the revived Uruguay Round negotiations as well as the North American Free Trade talks. Unfortunately, if the "fast track" procedure is not extended, it is unlikely that we will ever be able to realize the expanded trade potential through these negotiations. Without the assurance of a formal procedure of an early vote of approval or disapproval of a trade agreement by the Congress, it is highly unlikely that other countries will be willing to enter into negotiations with the United States. These countries will not, however, be precluded from negotiating agreements among themselves to the inclusion of the interests of the United States.

I would urge you to await the results of the trade negotiations before making a judgment as to their overall benefits, and to support the procedural requirements of extending the "fast track" now so that the President may have the opportunity to pursue our national interest through the negotiation of these trade agreements.

Thank you for your consideration of our views in this important matter.

Sincerely yours,

PHILIP E. LIPPINCOTT.

GREATER OMAHA
CHAMBER OF COMMERCE,
Omaha, NE, March 18, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: We are writing to urge you to support President Bush's request for extension of the "fast track" legislative procedure. The Agriculture Council of the Greater Omaha Chamber of Commerce con-

sists of businesses of all types who, with farmers and ranchers, are dependent on the ability of American agriculture to sell competitively on the world market. We have studied and watched GATT developments and feel this "fast track" procedure is essential to continue our efforts to successfully complete the Uruguay Round of GATT and negotiate a North American Free Trade Agreement.

U.S. agriculture can be more competitive on the world market as barriers are removed. This, we contend, will increase demand, increase U.S. farm commodity farm prices, thereby reducing the need for government support. But the negotiations must continue. This GATT round is critical. Failure to complete it successfully will be a long term set back.

Negotiating parties have agreed to achieve "specific binding agreements" in internal supports, export subsidies, and import barriers, according to Ambassador Hills. Rising costs of the Common Agricultural Policy in the European Community are putting pressure on political leaders for reforms. There are good reasons to believe we can negotiate successfully.

Our Agriculture Council also strongly supports a North American Free Trade Agreement. This will open new opportunities for agriculture and help us move closer to a barrier-free world.

Very sincerely,

RICHARD L. GADY,
Chairman, Agriculture Council.
RICHARD HAHN,
Chairman, National Policy Committee.

ASSOCIATED MERCHANDISING CORP.,
Washington, DC, March 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: I am writing on behalf of the Associated Merchandising Corporation, the world's largest retail marketing and buying organization, to express our strong support for the continuation of "fast track" negotiating authority.

Those of us in the business community feel strongly that the current trade negotiations—the Uruguay Round, the North America Free Trade Agreement and the Enterprise for the Americas—must be allowed to continue.

We are not yet asking for your support for these agreements since they are still in the negotiating process. However, we do ask that you support the extension of the fast track procedure so that we have the opportunity for trade agreements in the future.

Once these agreements are negotiated, both you and your colleagues will have ample opportunity to decide to support or oppose a specific agreement.

For the present we urge you to not cosponsor a resolution of disapproval and, if there is a floor vote, we ask that you support the extension of fast track authority.

Sincerely,

LEE ABRAHAM,
Chairman.

COMMITTEE ON INTERNATIONAL BUSINESS,
Washington, DC, March 26, 1991.

Hon. MAX BAUCUS,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The Financial Executives Institute's Committee on International Business (CIB) urges you to support the Administration's request to extend fast-track procedures for the Uruguay Round and a North American Free Trade Agreement.

The Committee on International Business applauds the progress made in some sectors of the GATT talks, such as new protections for intellectual property rights and expanded markets for service industries. CIB believes a successful conclusion of the Uruguay Round will lead to increased economic growth worldwide.

A North American Free Trade Agreement will create the world's largest open market with more than 350 million people with a combined GNP of over $5.5 trillion. An AFT with Mexico will lead to new manufacturing opportunities and supply relationships that will ultimately enhance the competitiveness of U.S. businesses in a global marketplace.

We believe it will increase the demand for labor in this country, and especially in the higher-skilled, higher pay sectors. It will also increase the resources that Mexico needs, and wants, to address its environmental problems.

Financial Executives Institute, the leading advocate for corporate financial management, is a professional association representing over 13,500 senior financial executives from 7,000 companies throughout the United States and Canada.

If we can provide you with any additional information, please feel free to contact Jim Kaitz, Vice President of Government Relations, at (202) 659-3700.

Sincerely,

CARL SLATER,
Chairman, Committee on International Business.

PFIZER,
New York, NY, March 27, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: With the debate over Fast Track intensifying, I wanted you to know Pfizer's perspective on the issue. It is a view shared by others in the pharmaceutical industry. As you know, our principal objective in the GATT, as well as in bilateral negotiations, has been to achieve strong international standards of intellectual property protection. This is crucial to American pharmaceutical companies that comprise one of our most competitive and innovative industries.

In this regard, Pfizer and others have serious concerns about intellectual property protection in Mexico that can and should be addressed at this time. You may recall that Mexico made a commitment last year to introduce a new patent law in 1990 and implement it in 1991. A patent law was introduced last December. The Mexican legislature is expected to take up the law in early May.

As drafted, the proposed Mexican Industrial Property Law contains two provisions relating to the treatment of the U.S. research-based pharmaceutical industry that we find unacceptable. Both would have discriminatory effects on the drug industry and run directly counter to the expressed commitment of President Salinas last year in front of 500 business and government leaders at The Business RoundTable Annual Meeting in Washington, D.C., to provide "world class" intellectual property protection.

The enclosed paper outlines our specific problems with the Mexican law along with the proposed revisions we believe the Mexicans should make prior to its enactment. Also enclosed is a letter to Carla Hills from Gerry Mossinghoff, President of the Pharmaceutical Manufacturers Association, expressing the same concerns.

I very much want the Uruguay Round to succeed and support the concept of a North American Free Trade Agreement. Thus, I want to support Fast Track. However, I also believe Mexico must live up to its commitments on Intellectual Property by addressing our concerns in the proposed patent law now.

For our part, we are continuing our efforts to communicate these concerns about the Mexican draft patent law to our government and the government of Mexico. Any help you can be in this regard would be most appreciated. In all honesty, I do not know how Pfizer could avoid lobbying against a free trade agreement with Mexico unless these problems are addressed. It is my sincere hope that a favorable response from the Mexicans is forthcoming so that we can unequivocally support extension of Fast Track.

Sincerely,

EDMUND T. PRATT, Jr.

NATIONAL GRAIN AND FEED ASSOCIATION,
Washington, DC, March 28, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The National Grain and Feed Association would like to take this opportunity to express our viewpoints regarding the Administration's request to extend the fast track authority for the Uruguay Round of GATT negotiations and the North American Free Trade Agreement. We strongly believe that rural America's best opportunities for economic growth in the 1990's lie within the successful completion of these potential trade agreements.

The National Grain and Feed Association membership is comprised of 1300 companies that own and operate some 5,000 facilities nationwide. These companies are involved in all aspects of grain and feed marketing and processing, spanning the industry, from large exporting and processing firms to country elevator and feed mill operations. The largest segment of our membership operate facilities in rural communities that directly serve the grain storage and marketing interests of the U.S. farmer.

We believe that the eventual outcome of this Uruguay Round of the GATT may be the most critical determinant of the economic future for U.S. agriculture in the 1990s and beyond. Consequently, we strongly support extension of fast track authority. U.S. markets in the 1970s were spurred by remarkable growth, and the source of much of this growth was exports. The lack of exports in the 1980s, caused in large measure by poorly designed domestic farm programs in the U.S., created depressed economic conditions for both farmers and agri-businesses serving farmers. If U.S. agriculture is going to have an opportunity for a resurgence in market growth that is sustainable in years ahead, it is imperative that we have rational economic policies in both domestic and trade sectors.

Our members have been sorely disappointed in the progress of the current GATT negotiations, but an extension of these talks remains the best hope that U.S. agriculture has for achieving meaningful trade policy reform in the next few years. Some of the impediments to achieving an agreement have been mitigated since the December GATT meeting in Brussels. The European Community, the Japanese and the Koreans who, in December, were unable to

commit to substantive reform of their agricultural policies are now beginning to understand that the U.S. is willing to completely reject a poor trade reform package, even if it means a failure of the Uruguay Round. Also, the European Community's Common Agricultural Policy is running into serious budget problems, providing added economic leverage to reform their trade distortive policies. Director General of the GATT announced in late February that signatories had now agreed to negotiate "specific binding commitments" in three primary areas: 1) domestic support mechanisms; 2) market access; and 3) export subsidies. This is a substantive shift in position by the EC and others and more than adequate reason to let the talks continue under a reasonable time frame.

At this juncture, it is impossible to determine how strong this new commitment by our trading partners is to resume negotiations under expanded parameters. The only way the U.S. can assess the prospects for meaningful trade reform is for Congress to extend the fast track authority. Without this extension, credible negotiations cannot continue. We urge Congress to give the GATT process one more chance to succeed. While these negotiations may yet fail and conclude with no agreement, there is reason to believe that the probability of success is being enhanced by recent events.

U.S. POLICIES HAVE SET THE STAGE FOR TRADE REFORM

U.S. domestic farm policies in the early 1980s became a serious obstacle to U.S. competitiveness in the international marketplace. High domestic supports forced grain into government storage programs rather than allowing grain to be priced competitively and move into world markets. This policy invited the rest of the world to step in to fill the market void by producing more. And fill the void, they did! The U.S. gave up tremendous market share by our own misguided policies, and in the process, we created formidable competitors in world markets.

With the 1985 Food Security Act, the U.S. changed the direction of its domestic policies significantly. Price support levels were allowed to move below market-clearing levels, and the U.S. began a more aggressive program of marketing grain rather than putting it into storage. The results were resumed growth in exports, but we have yet to achieve the market levels experienced in the late 1970s, largely because of the intransigence of resource investments in agriculture made by export competitors in the early to mid 1980s. Disinvestment has been slow, limiting the speed of recovery in exports, but we knew the process would take time. U.S. policies to turn around our agricultural economy had a high price tag. Expenditures under the 1985 legislation amounted to 82 billion dollars. These programs not only increased the U.S. cost of government programs supporting agriculture, but also significantly increased the cost of such programs to other economies such as the European Community.

The U.S. has pursued other policies to improve competitiveness. The Export Enhancement Program was designed to counter unfair trading practices of the European Community. This program has allowed the U.S. farmer to better compete on a playing field that is not level, because of the massive subsidies that are used by other countries. But most importantly, for the purposes of encouraging GATT negotiations, this program has also increased the cost of subsidization and domestic agricultural programs for our trade competitors.

Our members do not support the concept of long-term subsidization of agricultural exports. We believe the Export Enhancement Program has been useful, because as an interim policy, it has given the U.S. economic leverage to achieve meaningful trade reform. Likewise, we believe the U.S. farmer prefers to earn income from the marketplace rather than relying on the federal government, especially in times where budget constraints are forcing a re-ordering of federal budget priorities. In our view, the government expenditures for EEP and expenditures for farm programs since 1985 are best viewed as an investment in support of U.S. agriculture's longterm interests. This is an investment that has made it very expensive for our competitors to continue protectionist policies and has set the stage for the European Community's reconsideration of its hard line position in the GATT. It is an investment that may be lost if we do not give this Uruguay Round of the GATT a real chance to succeed.

THE ADMINISTRATION IS STANDING FIRMLY BEHIND AGRICULTURAL INTERESTS

This GATT round of negotiations is fundamentally different than previous sessions, in that the U.S. government has stated emphatically that unless meaningful trade reform is achieved in agriculture, there will be no agreement. In previous GATT negotiations, especially when the U.S. was concerned that other countries should be given an opportunity to develop their basic agricultural economy, the U.S. may have compromised the economic interests of U.S. agriculture in favor of other policy goals. This round is different. The U.S. is pursuing a more open world market and the economic interests of all sectors, especially those of agriculture, are high on the priority list. The U.S. government's commitment to make meaningful agricultural trade reform the critical linchpin of this Uruguay Round is no longer open to question, as evidenced by events of December 3, 1990. At that negotiating session in Brussels, which was to have been the conclusion of the talks, participating countries failed to reach a compromise on agricultural reform, and negotitators from the U.S. and other nations walked away.

In November 1990, a broad consensus of agricultural organizations signed a letter to Secretary Yeutter confirming that no GATT agreement is better than a bad one. We hold to that position, and remain convinced that our negotiators understand that a poor GATT package that contains few true trade reforms for agricultural interests will be strongly opposed by U.S. agriculture and rejected by the U.S. Congress. What seems most important at this juncture of reconsidering fast track authority is that other signatories to GATT who previously have been unwilling to negotiate agricultural provisions in good faith, are also beginning to understand this unalterable position of the U.S.

U.S. AGRICULTURE'S ECONOMIC LIVELIHOOD IS AT STAKE

Since the early 1980s, the U.S. has been on a policy course of artificially reducing production and enhancing producer income to make up for lost volume through direct payments. This trend has had a ratcheting effect and has put the U.S. into the unenviable position of unilaterally reducing its agricultural production significantly to manage supplies worldwide. Such attempts have proven futile as global surpluses of several crops have evolved, only to be disposed of through aggressive (and sometimes expensive) export marketing efforts. It became clear in the 1980s that continuation of this policy indefinitely would eventually preclude the U.S. farmer from participating in the world marketplace. Current domestic policies are attempting to reverse this trend, but the only way to reverse the trend on a permanent basis is to achieve worldwide policy reform in both trade and domestic policies for agriculture.

The long-term U.S. budget problems and the experience of the 1990 budget agreement make it obvious that U.S. farmers should not look to the federal government for improved levels of income. In fact, government income support to agriculture is more likely to decline than to increase in the foreseeable future. Agriculture needs to look for improved market opportunities, and these GATT negotiations unquestionably provide the best basis for improving export market opportunities.

Some are suggesting that the development of a North American trading block and other trading blocks around the globe may provide some trade benefits. While any reduction in trade barriers would provide benefits for participating countries and we support bilateral efforts to reduce trade barriers, such a strategy taken alone is a very poor second best to meaningful multilateral reform and should not be viewed as an adequate substitute. In addition, a strategy or pursuing only bilateral arrangements is frought with danger. The movement toward a single EC market in 1992 and developments in Eastern and Central Europe, absent of any GATT reforms, would only create an even larger block of countries impenetrable by U.S. exports. And, this will be a block of nations that, if current CAP policies are not reformed, could subsidize even more vast quantities of surplus production. Clearly, now is the best time to achieve multilateral trade reform, if indeed it is possible.

We believe U.S. farmers can compete in international markets. The U.S. has the technology and practical knowledge to produce and aggressively market commodities internationally. The U.S. has the marketing infrastructure to move large quantities of commodities at minimal cost. From a marketing cost standpoint, the U.S. producer is closer to potential importers around the world than ever before. The U.S. farmer deserves access to these markets. In the face of declining government support for agriculture, the U.S. farmer deserves more than ever to have the opportunity to compete on a level playing field.

We do not know what the chances are for success in this GATT round. The EC and others have finally stepped forward and expressed willingness to negotiate, and on that basis, opportunities for success are better than in December 1990. The administration is only asking for the authority to continue negotiations. Any agreement reached can and should be denied Congressional approval if it does not on balance benefit U.S. agriculture. The administration's demonstrated commitment to place agricultural interests at the highest level on the list of priorities, and even to reject meaningful reform in other economic sectors if agricultural reform is not achieved, should make consideration of extending fast track authorization an easy decision for Congress. It should be granted without delay.

Sincerely yours,

KENDELL W. KEITH,
Executive Vice President.

ARLINGTON, VA,
March 29, 1991.

Hon. MAX BAUCUS,
Chairman, Senate Finance International Trade Subcommittee, Washington, DC.

DEAR MR. CHAIRMAN: ADAPSO, The Computer Software and Services Industry Association, wishes to express its support for the Administration's request for extension of fast-track trade negotiating authority.

There is no other major industry where the American presence abroad continues to be so dominant. Recently, *Business Week* cited an estimate that "American companies command nearly 60% of the world's $110 billion market for software and related services" (March 11, p. 98). Last June, numbers published by *Software* magazine show that the top 50 independent U.S. software firms draw 40% of their revenues from abroad (p. 22). As for vendors who offer data communications services, the conclusion of the International Trade Commission in its February Mexican report to the Ways and Means Committee is worth recalling: "An FTA. . . would. . . significantly increase exports of U.S. information and data-processing-based services" (p. xvii).

Accordingly, a successful conclusion of both the GATT and a North American FTA, including meaningful intellectual property and services codes, would be the most positive possible result for the computer software and services industries. The President needs renewed authority so as to negotiate trade agreements. The Uruguay Round has demonstrated the Administration's willingness to be a tough bargainer in the national interest of the United States, and ADAPSO looks for favorable results in both instances. In our judgment, the important questions raised about labor and environmental protections in Mexico are reasons to broaden, rather than to preclude, negotiations. We will be pleased to work with you and the Administration as negotiations proceed, so that the needs of our high-export industry are met in the context of over-all U.S. negotiating goals.

Yours truly,

SHELDON R. BENTLEY,
Functional Vice President, Government Relations.

SCHOLARS FOR FREE TRADE WITH MEXICO,
Falls Church, VA, April 10, 1991.

DEAR MEMBER OF CONGRESS: This letter is written in support of a free trade agreement with Mexico. It supports renewal of fast-track authority for the conduct of those negotiations because it is evident that without this authority it would be impossible to conclude a comprehensive agreement that was not riddled with destructive exceptions. Countries would be unwilling to negotiate trade agreements with the United States executive branch if this were just a prelude to negotiations with 535 persons in the U.S. Congress.

The signers of this letter are university professors or senior analysts at research institutions. None of us represents any special interest. Our only motive in sending this letter is to promote the national U.S. interest, which we are convinced would be served by a free trade agreement encompassing the three countries of North America.

Economists have known since Adam Smith that trade among nations is not a contest in which some countries win and others lose. Trade, like few other international endeavors, increases the welfare of all the nations involved. The extent of the gains may not be equal, but a North American free trade area would clearly be a win/win/win situation for the three countries involved. All economic studies we have seen by respected researchers come to this conclusion. We have yet to see a quantitative study seeking to measure welfare gains in each of the three countries that contradicts this outcome.

Three non-measurable arguments have been made by those opposing free trade. These are that (1) Mexico would have an "unfair" advantage because of its wage rates; (2) the economic development of Mexico would pollute the environment; and (3) Mexico is not a democracy in the U.S. mold and is therefore not worthy of such an agreement. We will deal briefly with each argument.

If low wages are the hallmark of trade success, why are our most successful competitors not low-wage but high-wage countries like Japan and Germany? It is evident that wages are but one element in determining the cost of goods and services. Other aspects include productivity, or output per worker, the sophistication of production and of the human resources. The path to trade success is not low wages but better education. One need only compare the trade success of a Haiti with that of a Switzerland to see this point.

A deeper question must be asked: does the United States wish to compete in world trade on the basis of low wages, or because of the research and innovation content of its output? If we exclude imports on the grounds that the workers are paid less than in the United States, we deny our trading partners the necessary foreign exchange to purchase our goods and services. We have also learned that import protection does not save an industry that cannot otherwise compete. What protection accomplishes is add billions to the consumer bill—and in the end, U.S. jobs are lost in any event, as we have seen in the auto, steel, and textile industries.

Mexico's goal is to raise its wages and to compete on the basis of higher productivity, as South Korea, Taiwan, and Singapore have done. As Mexican incomes rise, so will our exports to them, as we know from our large trade with high-income countries. If we are to import goods in any event—if the solution is not to close our market—it is much better to buy from Mexico and Canada, our neighbors, who buy most of their imports from us. The dollars we spend on imports from Mexico return in high-wage U.S. exports back to Mexico. Keeping out Mexican goods can be done only at the expense of high-wage U.S. jobs.

We do not argue that no U.S. worker will be hurt by increased imports, whether from Mexico or any other country, although we do not expect that large numbers of workers will be displaced during the long phase-in to free trade with Mexico. The solution is not to close our market, but to compensate those who are hurt, including expanded retraining. We do not help our country by forgoing general benefit to temporarily save a few jobs by protection.

We share the concern of those Americans and Mexicans who insist that the price of increased trade and higher incomes should not be promiscuous environmental degradation. We assume that the position of those truly concerned about the environment is not that Mexicans should remain poor because that will keep them clean. One reason for environmental pollution in Mexico today is that the country is poor. Mexico's environmental laws are similar to our own, but the country lacks the resources to enforce them.

We should support the inclusion of some environmental issues such as health and safety standards for consumer products entering the United States in the North America Free Trade Agreement to make clear that increased trade and sound environmental practices are compatible. A broader environmental understanding should be worked out on a parallel track by environmental experts, not in the agreement itself, which will be negotiated by trade specialists. The United States and Mexico have already made progress on environmental issues such as the result of the agreement concerning the border area between the two countries signed in La Paz, Baja California Sur. Environmental protection should not be a cloak for protectionism. If Mexico lacks the resources to enforce the laws already on its statute books, this cannot be corrected by depriving Mexico of the ability to improve its economic situation.

Finally, those of us who have studied Mexico have been impressed by how much political choice there has widened in recent years. The completion of this process of political opening is less likely if the country remains impoverished. The free trade agreement would give an impulse to political democracy that cannot be achieved by outside exhortation or flagrant U.S. interference in Mexican domestic affairs. This latter approach is the surest way to stifle the growing democratic impulse in Mexico.

The opportunity to forge a North American free trade area has come now, on your watch. If the opportunity is missed, it may be decades or more before it comes again—if it comes again. Spurning the Mexican initiative would be seen there as a gesture of U.S. condescension, regardless of how we rationalize our action to ourselves. The political and economic fallout in Mexico would be profound and unpredictable. We would then turn a positive situation into one where there were only losers. We urge you to take the high road of trade promotion and not the dead end of protectionism.

With best wishes.

Clopper Almon, University of Maryland; M. Delal Baer, Center for Strategic and International Studies; John Bailey, Georgetown University; Richard Bath, University of Texas, El Paso; Paul Boeker, Institute of the Americas; Roderic Ai Camp, Central College; Peter Cleaves, University of Texas, Austin; Wayne Cornelius, University of California, San Diego; Rudiger Dornbusch, Massachusetts Institute of Technology; Georges Fauriol, Center for Strategic and International Studies; Paul Ganster, San Diego State University; George Grayson, College of William and Mary; Susan Kaufman Purcell, Americas Society; Robert Pastor, Carter Center, Emory University; Clark Reynolds, Stanford University; Riordan Roett, Johns Hopkins School for Advanced International Studies; Louis R. Sadler, New Mexico State University; Sally Shelton Colby, Georgetown University; Viron P. Vaky, Carnegie Endowment for International Peace; Sidney Weintraub, University of Texas, Austin; Howard Wiarda, University of Massachusetts; James Wilkie, University of California, Los Angeles; Edward Williams, University of Arizona.

(Institutional affiliations are listed for the purpose of identification only. The views contained in this letter represent the personal opinion of the signers and not necessarily of their institutions.)

KMART CORP.,
Troy, MI, April 10, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: On behalf of Kmart Corporation, a major retailer operating in excess of 4,000 stores throughout the United States with annual sales in excess of $29 billion and an employee work force of approximately 333,000 employees, I am writing to let you know our concerns regarding "fast-track" trade negotiations extension.

We believe such authority is essential to continuation of the leadership which the United States has provided since the second World War to open markets and expand world trade. This extension of the authority to negotiate of course is not an approval of any specific trade agreement. If new trade agreements are successfully negotiated, they will stand or fall on their own merits subject to Congressional approval.

Continued expansion of world trade is vital to the U.S. market, to U.S. employment and to U.S. industries. We think any vote against the "fast-track" authority is a vote against all comprehensive negotiations to open foreign markets for U.S. goods, services, agricultural products and to eliminate unfair trade practices.

For these reasons, we urge you to permit extension of authority of the President to negotiate beneficial trade agreements.

Sincerely,

A. ROBERT STEVENSON.

BORDER TRADE ALLIANCE,
Nogales, AZ. April 12, 1991.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Border Trade Alliance (BTA), I am pleased to provide you with the recommendations of our organization with respect to the U.S. negotiating objectives for the U.S.-Mexico free trade agreement (FTA). The BTA has closely followed the evolution of U.S.-Mexico trade and investment relations since its formation in 1986, and was discussing the concept of an FTA with Mexico even before news of such a possible agreement first appeared in the Wall Street Journal in late March, 1990.

The attached recommendations of the BTA are the product of a lengthy, detailed review by numerous BTA committees of issues which they felt should be part of the negotiation. Participants in these committee meetings included plant managers, city development officials, state officials, custom brokers, bankers, retailers, transportation company representatives and numerous other business people with interests along the border.

As changes occur in the context of trade and commerce between the U.S. and Mexico, we envision making amendments to our positions and recommendations which we will provide for you as they occur.

Your participation with the BTA is deeply appreciated. If you have any questions or comments please feel free to contact me in Nogales, AZ, at (602) 287-3826.

Sincerely,

WILLIAM F. JOFFROY, Jr.,
Chairman.

CONSUMERS UNION,
Washington, DC, April 17, 1991.

Senator MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: Enclosed is a copy of a letter Consumers Union recently sent to Ambassador Carla Hills, the U.S. Special Trade Representative. The letter states our support for extension of the "Fast Track" procedure by which the Congress considers approval of international trade agreements. Fast Track is the procedure we urge the Congress to use in considering ratification of a new General Agreement on Tariffs and Trade (GATT).

I urge you, for the reasons stated in both that letter and this, to vote against resolutions that would block the extension of Fast Track. Fast Track may be essential to the very continuation of the Uruguay Round negotiations on the GATT. All others of the nearly 100 GATT negotiating teams except our own are authorized to enter into final agreements at the negotiating table. No changes to the final text can be made by the parliamentary process of any other GATT partner. For this reason, both comity and common sense make it highly unlikely others will continue negotiations if they are bound by their agreements but our commitments are subject to subsequent reservations that would require additional rounds of negotiations.

You have by now received a letter from various other consumer and environmental groups opposed to Fast Track. You may wonder why Consumers Union differs from several of its sister organizations on this issue. The difference is one of emphasis, but it is important.

Those opposed to Fast Track have addressed almost exclusively the concern that the text of the GATT agreement and/or the accompanying implementing provisions will include major revisions of U.S. health, safety and environmental laws. We share these concerns. We, too, would oppose a final agreement that makes such drastic changes. However, we understand that this will not be the case.

Further, we give great weight to the importance that GATT plays in assuring lower consumer prices. Therefore, we are concerned that Congressional approval procedure will permit a GATT agreement we can support to pass, unfettered by special interest reservations that would be the death of the agreement.

For these reasons, I again urge you to vote NO on resolutions to block Fast Track extension. Fast Track is a likely prerequisite to continuation of Uruguay Round negotiations. And it is the only assurance against encumbrance of an acceptable GATT agreement with special interest reservations that would kill a negotiated final agreement.

Sincerely,

MARK SILBERGELD,
Director, Washington Office.

SEARS, ROEBUCK & CO.,
Washington, DC, April 17, 1991.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR MAX: On behalf of Sears, Roebuck and Co., I strongly urge your support for extension of the "fast-track" approval process for negotiated trade agreements.

The Uruguay Round of GATT talks and negotiations toward a U.S.-Mexico free trade agreement offer significant potential for expanding foreign markets for U.S. goods. Without fast track, the GATT talks would come to a halt and negotiations with Mexico would not even get off the ground.

Extension of the fast track is consistent with ongoing U.S. efforts to promote free and open international trade in goods and services. Exports are driving our economic growth, and expansion of international trade is critical to future growth in our economy, employment and standard of living.

Support for the extension of fast track does not translate into support for any specific trade agreement. Any final negotiated product must be judged, up or down, on its own merits.

Again, please support the President's request for an extension of the fast-track process.

Thank you for your consideration.

Sincerely,

RANDY AIRES,
Vice President.

THE LIMITED, INC.,
Columbus, OH, April 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: As you know, President Bush's Track Negotiating Authority expires on June 1. If the President and his negotiators don't receive the extension the President has requested, we can say goodbye to the prospects for a new GATT agreement. And all Americans will lose.

As a retailer, I know just how important free trade is for The Limited's 3,900 stores. 72,000 employees and millions of customers. Nearly 20 million Americans are engaged in the retail trades, and they generated about $1.8 trillion in sales in 1990 alone. (This translates into significant sales tax revenues for most states, too.) Currently, international trade restrictions on clothing alone cost the average U.S. family $250 per year, lower-income consumers find their purchasing power cut by 3 percent or more as prices on sweaters, socks, shirts and pants get jacked up by 30 to 50 percent by the lack of free trades.

But beyond our business, a GATT collapse could cause severe damage to American agriculture, high technology, even services. Nationwide, increasing exports accounted for about 75 percent of our economic growth last year. This year, export expansion is what's preventing the recession from deepening. And a new GATT could increase our country's GNP by an estimated $300-400 billion by the year 2000. So there can't be much doubt about the possible benefits from a new Uruguay Round Agreement or a Free Trade Agreement with Mexico.

If there is no Fast Track, the only winners will be narrow protectionist interests: the American companies that charge consumers for their inefficiencies, and the foreign industries afraid to compete with American goods.

When it's time to vote on the extension of the Fast Track Negotiating Authority, I hope you'll be on the side of the American consumer. . . . and act in the best interests of our entire country.

Sincerely,

LESLIE H. WEXNER,
Chairman.

COALITION FOR TRADE EXPANSION,
April 22, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The undersigned companies, organizations, trade associations and consumer groups urge you to support the extenion of fast-track procedures for Congressional review of trade agreements. Without fast-track procedures multilateral and bilateral negotiations to open foreign markets for U.S. export would grind to a halt.

In 1988, Congress enacted comprehensive legislation to enhance our ability to secure market access for U.S. goods, services, and agriculture. Fast-track authority, extensive consultation procedures and specific negotiating objectives were a key part of Congress' program. It would undercut U.S. market-opening initiatives to abandon this course now.

Our support for the fast-track procedures does not imply we will support final agreements. We will only support agreements that are in the U.S. national and commercial interest. To ensure this outcome, we intend to consult extensively with you and the U.S. negotiators.

We hope that you will support this constructive and balanced approach to the reduction and elimination of foreign trade barriers.

ADAPSO, The Computer Software and Services Industry Association.
AES Interconnect,
A&M Cabinets of Yuma, Arizona.
AM-MEX, International of San Diego, California.
A.P.O.A. (Antimony Products of America).
AT&T.
AT&T International Communication Services of Nogales, Arizona.
Abbott Laboratories.
The Advance Group of Nogales, Arizona.
Aerospace Industries Association.
Aetna Life & Casualty.
Air Products and Chemicals, Inc.
Alcalosa Forwarding.
ALCOA.
Allied-Signal Inc.
Amax, Inc.
America West Industries of Yuma, Arizona.
American Association of Exporters and Importers.
American Brands, Inc.
American Business Conference.
American Business Council of the Gulf Countries.
American Commercial Line.
American Cyanamid Co.
American Electric Power Company, Inc.
American Electronics Association.
American Express Company.
American Furniture Manufacturers Association.
American International Group.
American League for Exports and Security Assistance.
American Paper Institute Inc.
American Petroleum Institute.
American Redemption Systems of Nogales, Arizona.
American West Industries.
AMSPEC Corp.
Anchor Advanced Products.
Anchor Glass Container Corporation.
Andrew & Williamson Sales Co., Inc.
ARICO, Inc.
ARCO.
Arical Paper Products.
Arizona Products Co.
Arizona Public Service, Inc. of Yuma, Arizona.
Arizona Western College.
Armstrong World Industries, Inc.
Artesian Ice, Inc.
Arthur Andersen Worldwide Organization.
Asea Brown Boveri, Inc.
Ashland Oil, Inc.
Assemble in Mexico of San Diego, California.
Automatic Products Co.
Automatic Toll Systems, Inc.
Automotive Parts Exchange.
Avant, Inc. of Nogales, Arizona.
Avia Athletic Footwear/Apparel.
BCI, Inc.
B&H Refrigeration and Solar.
BP America Inc.
B&P Bridge Company of Weslaco.
Badger Meter Co. of Nogales, Arizona.
Bali Company of Nogales, Arizona.
Bank of America.
Bankers Trust Company.
C.R. Bard Inc. of Nogales, Arizona.
Robert F. Barnes Customs Broker.
Baxter International Inc.
Beer Institute.
Bell Atlantic Corporation.
Berg Steel Pipe Corporation.
Teddy Bertuca Company.
Bethlehem Steel Corporation.
Bingham Equipment Co.
The Black & Decker Corporation.
Blackhawk Automotive, Inc. of Nogales, Arizona.
The Boeing Company.
Boise Cascade Corporation.
Border Pacific Railroad Company.
Border Service Sales.
Border Trade Alliance.
Bose Corporation of Yuma, Arizona.
Bristol-Myers Squibb Company.
Britain's Steel and Supplies.
Brown and Root, Inc.
Brown-Forman Corporation.
Brownsville & Matamoros Bridge Company.
Bruce Church, Inc.
Bryan, Gonzalez Vargas y Gonzalez Baz.
Bud of California of Yuma, Arizona.
The Business Roundtable.
Butler Paper Company of Nogales, Arizona.
CCIA, Computer & Communications Industry Association.
CNC Systems Inc. of Nogales, Arizona.
CPC International.
CSX Corporation.
Calexico Chamber of Commerce.
Cal-State Lumber Sales, Inc.
Cameron County International Toll Bridge.
Campbell Soup Company.
Caribbean Latin American Action.
Carlson Systems of Nogales, Arizona.
Carroll Brill-Cinema of Eagle Pass, Texas.
Carter Hawley Hale Stores, Inc.
Casework Systems and Millwork.
Caterpillar Inc.
Central 57 Imp. & Exp. of Eagle Pass, Texas.
Central Power & Light of Eagle Pass, Texas.
Chamber of Commerce of Eagle Pass, Texas.
Chamber of Commerce of the United States.
Chamberlain Distributing Inc.
The Chamberlain Group Inc. of Nogales, Arizona.
Champion International Corporation.
Charcoal Grill of Eagle Pass, Texas.
Chase Manhattan Corporation.
Chemical Banking Corporation.
Chemical Manufacturers Association.
Chevron Corporation.
CIBA-GEIGY Corporation.
CIGNA Corporation.
Circle K Food Stores of Yuma, Arizona.
Citation Carolina Company.
CITICORP.
Citizens for a Sound Economy.
City of Weslaco.
Cleveland-Cliffs Inc.
Coalition of Service Industries.
Coca Cola Bottling of Yuma, Arizona.
Coexport International, Inc.
Coldwell Banker of San Diego, California.
Coleman Products of Nogales, Arizona.
Collectron of Arizona, Inc. of Nogales, Arizona.
The Columbia Gas System, Inc.
Compaq Computer Corporation.
Computer and Business Equipment Manufacturers Association.
ConAgra, Inc.
Construction Industry Manufacturers Association.
Consumer Alert Advocate.
Consumers for World Trade.
Control Data Corporation.
Con-Way Western Express of Nogales, Arizona.
Cooper Industries, Inc.
Copper State Analytical Lab, Inc. of Nogales, Arizona.
Cosmetic, Toiletry and Fragrance Association.
Council of the Americas.
Culiacan Produce Company, Inc.
Dana Corporation.
Dayton-Hudson Corporation.
Deere & Company.
Del Rio Chamber of Commerce of Del Rio, Texas.
Del Rio Hotel of Del Rio, Texas.
Deloitte and Touche of San Diego, California.
Delta Product Co. of Arizona of Nogales, Arizona.
The Deseret Co. of Nogales, Arizona.
The Dial Corporation.
A.B. Dick Products Co. of Tucson (Nogales, Arizona).
Digital Equipment Corporation.
Blake Dobbins.
The Dow Chemical Company.
Dreamland Bedding of Yuma, Arizona.
Dresser Industries, Inc.
Dun & Bradstreet Corporation.
Duthitt Steel & Supply, Inc.
ECS, Inc. of Nogales, Arizona.
E.I. du Pont de Nemours.
E. Pass Natural Gas Corp.
E. Pass & P.N. Bus.
Eagle Grocery & Market.
Eagle Lumber Co.
Eagle Pass Bridge System.
Eagle Pass Ins. Larry Wheeler.
Eastman Kodak Company.
Eaton Corporation.
Jack Eckerd Corporation.
Electronic Industries Association.
Electronic Interconnect System, Inc. of Nogales, Arizona.
Eli Lilly and Company.
El Paso Chamber of Commerce.
Emergency Committee for American Trade.
Emerson Electric Company.
Emery Worldwide of Nogales, Arizona.
Enron.
Equitable Life.
Exxon Corporation.
FMC Corporation.
Federal Express Corporation.
First Chicago Corporation.
First Interstate Bank Ltd.
Arturo F. Flores Trading Co.
Fluor Corporation.
Footwear Distributors and Retailers of America.
Foster Grant Corp. of Nogales, Arizona.
Frank's Distributing Inc.
Fritz Bottling Co. of Yuma, Arizona.
Frontier State Bank of Eagle Pass, Texas.
Fruit of the Loom.
G.A.C. Produce Co.
GTE Corporation.
Mike Garcia Inc.
Gaylord Container Corp. of Nogales, Arizona.
GENCORP.
General Dynamics of Harlingen, Texas.
General Electric Company of Nogales, Arizona.

General Instrument Corp., Jerrold Division of Nogales, Arizona.
General Mills, Inc.
General Motors Corporation.
Genetech, Inc.
Georgia-Pacific Corporation.
The Gillette Company.
Charles E. Gillman Corp. of Nogales, Arizona.
Gilpin's Machine Works of Yuma, Arizona.
Glaxo Inc.
Glen Curtis, Inc.
Gonzalez Customs Servs.
Roberto Gonzalez D.B.A.
T.C. Gonzalez Inc.
Gowan Company.
Gray, Cary, Ames & Frye.
Greater Detroit Chamber of Commerce.
Growers Distributing International, Inc.
Grubb & Ellis.
H.M. Distributors.
Halliburton Company.
Hallmark Cards Inc.
Handling Systems Inc. of Nogales, Arizona.
Hansberger Electric.
Harlingen State Bank.
Al Harris Company Distributors.
Harris Corporation.
Harsco Corporation.
Daniel B. Hastings, Inc.
Hawker Pacific Inc.
Hazchem Environmental Services, Inc. of Nogales, Arizona.
Hershey Foods Corporation.
Hewlett-Packard Company.
Highway Ceramics, Inc.
Hillaven Health Care.
Honeywell, Inc.
Household International.
Houston International of Yuma, Arizona.
Human Inc.
Hytronics West Corp. of Nogales, Arizona.
IBM Corporation.
IMEC.
ITT Corporation.
Ice Produce Distributors, Inc.
Ingersoll-Rand Corporation.
Inland Steel Industries.
Intel Corporation.
The Intellectual Property Committee.
International Assemblers, Inc. of Nogales, Arizona.
International Bank of Commerce.
International Contract Carriers.
International Franchise Association.
The International Investment Alliance.
International Paper Company.
J&A Products, Inc.
Javid Industries of Nogales, Arizona.
Jeffer's Electronics of Nogales, Arizona.
Jennings, Engstrand and Henrickson.
Jeyco Produce Company, Inc.
William F. Joffroy, Ins. Customs Brokers of Nogales, Arizona.
Johnson & Johnson.
Wilson Jones of Nogales, Arizona.
Valentin Juve, Inc.
K-Mart Corporation.
KPMG Peat Marwick.
Kaliroy Produce.
Kellogg Company.
Kimberly-Clark Corporation.
Kirk Enterprises.
Kroger Company.
L.B.Q. Fruit & Produce Company, Inc.
LTV Corporation.
La Villa de Paris.
Lee's Manufacturing, Inc.
Lipoco.
Lisa, Inc.
Litton Industries, Inc.
Los Ebanos International Ferry.
Luce, Forward, Hamilton, Scripps.
M&M of Nogales, Arizona.
MTN Coalition.
Made in Mexico of San Diego, California.
Magnetic Metals Corp. of Nogales, Arizona.
Mandel/Amerifresh.
Manufacturers Hanover Corporation.
Benito Martinez G, Inc.
Rogelio D. Martinez Inc.
Maverick Arms, Inc.
Maverick County.
Maverick County Development Corp.
Maverick County Private Industry Council.
McAllen-Hidalgo-Reynosa Bridge.
McDonnell Douglas Corp. of Yuma, Arizona.
McElhaney Cattle Co.
McKesson Corporation.
Mead Corporation.
Melton Associates of Nogales, Arizona.
Mercantile Bank, N.A.
Mexico-Texas Bridge Owners Association.
Meyer Tomatoes.
Mid-America Committee.
Mobil Oil Corporation.
Mohawk Wholesale & Equip of Yuma, Arizona.
Molex Corp. of Nogales, Arizona.
Monsanto Company.
Motorola, Inc.
NCNB Corporation.
NCR Corporation.
Nalco Chemical Company.
National Association of Manufacturers.
National Association of Stevedores.
National Corn Growers Association.
National Electrical Manufacturers Association.
National Foreign Trade Council.
National Forest Products Association.
The National Plant and Coatings Association.
National Printing Equipment and Supply Association.
National Retail Federation.
Naumann/Hobbs Material Handling, Inc. of Nogales, Arizona.
The New England Council, Inc.
The New York Chamber of Commerce and Industry.
The New York City Partnership.
Nogales-Santa Cruz Chamber of Commerce.
Nogales-Santa Cruz County Economic Development Foundation.
North American Export Grain Association.
NYNEX Corporation.
Odyssey of America/Yuma.
Offshore Factories, Inc.
Olin Corporation.
Q.C. Onics of Harlingen, Texas.
Otay Mesa Chamber of Commerce.
PPG Industries, Inc.
Pacific Coast Council of Customs Brokers and Freight Forwarders Assn., Inc.
Palenque Produce Distributors, Inc.
Pasquinelli Produce Co.
Paxton, Shreve and Hays.
Penn Neon Sign Co., Inc.
J.C. Penney Company, Inc.
PepsiCo, Inc.
Perkin-Elmer Corporation.
D.D.C. Pertec of Nogales, Arizona.
Phelps Dodge Corporation.
Philip Morris Companies Inc.
Phillips Petroleum Company.
R.A. Pina & Associates of Nogales, Arizona.
Bill Polkinhorn, Inc., Customs Brokers.
Porter International.
Power One.
Premium Produce Distributors, Inc.
Prestolite Wire Corp. of Nogales, Arizona.
PRE-VENT Tronics Corp. of Nogales, Arizona.
Price Waterhouse World Firm.
The Procter & Gamble Company.
Pro Trade Group.
The Prudential Insurance Company of America.
The Quaker Oats Company.
Quality Tile Distributors.
Quantum Manufacturing of San Diego, California.
RJR Nabisco, Inc.
Reader's Digest Association.
Reebok International Ltd.
Retail Industry Trade Action Coalition.
Revenue Markets, Inc.
Reynolds Metals Company.
Rio Grande City Chamber of Commerce.
Rio Grande Resources, Inc.
Rio Grande Valley Chamber of Commerce.
Roadway Services Inc.
The Rockport Company, Incorporated.
Rockwell International.
Rohm and Haas Company.
A.F. Romero & Co., Inc. Customs Brokers.
Romic Chemical Corp. of Nogales, Arizona.
Kim Rothschild of Nogales, Arizona.
Russell Coil Co., Inc. of Yuma, Arizona.
Ryder Systems, Inc.
Samsonite Corp.
Sandia Distributors.
San Diego Customs Brokers Association.
San Diego Economic Development Corporation.
San Luis Distributors, Inc.
San Rafael Distributing, Inc.
Sante Fe Pacific Corporation.
Sanyo North America of San Diego, California.
Scott Paper Company.
Sea-Land Services, Inc.
Sears, Roebuck & Company of Yuma, Arizona.
Security Pacific Bank Corporation.
Semiconductor Industry Association.
Bill Shannon Dist. Co.
Shape Magnetronics Co. of Nogales, Arizona.
Shell Oil Company.
A.O. Smith Corporation.
Solar Turbines Incorporated.
S.P.R. Sonora.
Sound Investments Unlimited, Inc.
Southern California Edison Company.
The Southern Company.
Southern Pacific Transportation Company.
Southwestern Bell Corporation.
Southwestern Motor Transportation.
Southwestern Steel Col, Inc. of Yuma, Arizona.
Southwestern Systems of Yuma, Arizona.
Sparkle Ice of Yuma, Arizona
Spectra Star Kites, Inc.
Springs Industries.
Starr-Camargo Bridge Company.
Starr County Industrial Foundation.
Starr County International Bridge System.
Starr Produce Company.
Startex, Inc.
Stillman & Wynman, Inc.
Sucasa Produce, Inc.
Sun Microsystems, Inc.
Sun River Distributing of Yuma, Arizona.
Super Value Stores, Inc.
TRW Inc.
TSE Brakes.
T&T Ind. Mario De La Cabada.
Telecommunications Industry Association.
Tenneco Inc.
Tepeyac Produce Company.
Texaco Inc.
Texas Apparel.
Texas Instruments Incorporated.
Texas Metals, Inc.
3M Company.
Time Warner Inc.
Tradeways Ltd.

Trammel Crow of San Diego, California.
The Travellers.
Triple E Produce Corporation.
Tucson Scale & Food Equipment.
Turner Laboratories of Nogales, Arizona.
Tusonix, Inc. of Nogales, Arizona.
U.S. WEST, Inc.
USX Corporation.
Union Camp Corporation.
Union Carbide Corporation.
Union Pacific Corporation.
The Unisource Corp. of Nogales, Arizona.
UNISYS Corporation.
United Iron Works & Truck.
United Manufacturing, Inc. of Yuma, Arizona.
United Parcel Service.
United States Association of Importers of Textiles and Apparel.
U.S. Council for International Business.
U.S. Council of the Mexico-U.S. Business Committee.
United Technologies Control System of Nogales, Arizona.
United Technologies Corporation.
Unocal Corporation.
The Upjohn Company.
Valencia International Inc. of Nogales, Arizona.
Valley Equipment Corp., Inc.
Valley Mattress & Upholstery.
Valve Manufacturers Association of America.
Varian Associates.
Verbatim of Nogales, Arizona.
Vertel International of San Diego, California.
VIRCO.
Walbre Corp. of Nogales, Arizona.
Warnaco Inc.
Warner-Lambert Company.
Waste Management, Inc.
Wells Fargo Bank.
Wellton Mohawk Irrigation & Drainage District.
West Cap, Co. of Nogales, Arizona.
West Coast Industries, Inc. of Nogales, Arizona.
Western Maquiladora Trade Association of San Diego, California.
Westinghouse Electric Corporation.
Weyerhaeuser Company.
Whirlpool Corporation.
Wickstrom Chevrolet Co. of Eagle Pass, Texas.
The Williams Companies, Inc.
J.K. Wilson Produce Company.
Winchester Electronics Div., Litton Inc. of Nogales, Arizona.
Charles A. Winn, Inc. of Eagle Pass, Texas.
Wohler Imports, Inc.
World Trade Association of San Diego, California.
Xerox Corporation.
Yuma Daily Sun.
Yuma Regional Medical Center.
Yuma Truss Co.
Yuma Worc Center.
Zenith Electronics Corporation.
Zero Tariffs Coalition.

PRICE WATERHOUSE,
New York, NY, April 24, 1991.

Hon. MAX S. BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: I am writing to urge you to support the extension of "fast-track" procedures for Congressional review and approval of international trade agreements by voting against legislation which disapproves this authority. Fast-track, scheduled to expire on June 1, 1991, is critical to furthering negotiations on several trade agreements vital to this nation's economic interests. Without fast-track, the "Uruguay Round" will collapse and the North America Free Trade negotiations including the United States, Canada and Mexico, will not begin.

Fast-track authority gives U.S. negotiators the same bargaining power as their counterparts, that is, the ability to ensure that the agreement reached internationally would be the agreement voted on at home—and thereby assures that they are not at a disadvantage at the negotiating table. Extending fast-track would in no way diminish Congress' ability to express its views and reject any agreement it believes is not in the national interest.

We are all concerned about the competitiveness of this nation now and in the years to come. To maintain and enhance American competitiveness, I urge you to support continuation of fast-track procedures.

Sincerely,

SHAUN F. O'MALLEY,
Chairman and Senior Partner.

PFIZER INC.,
New York, NY, April 24, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR MAX: Since I last wrote to you about our concerns regarding intellectual property protection in Mexico, there have been some positive developments that have led Pfizer to strongly support the extension of Fast Track. The pharmaceutical industry as a whole shares this view.

It seem that our efforts to communicate our concerns with the proposed Mexican patent law to our Government and the Government of Mexico have been successful. We are now confident that Ambassador Hills is committed to achieving acceptable solutions to these problems and believe a strong intellectual property law will be enacted in Mexico.

Given these developments and the substantial benefits to our industry that would result from a strong international intellectual property agreement, I firmly believe negotiations to complete the Uruguay Round and a North American Free Trade Agreement must proceed. For that we need Fast Track. It is a negotiation process that has served us well and offers the opportunity to achieve trade agreements that will continue to serve the long term economic interests of the United States.

In short, Pfizer and the pharmaceutical industry believe Fast Track extension is essential and strongly urge you to support it.

Sincerely,

EDMUND T. PRATT, Jr.

CITICORP CITIBANK,
Washington, DC, April 25, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR BAUCUS: I am writing to urge that you support President Bush's request for extension of "Fast Track" trade negotiating authority. Fast Track is essential for the successful completion of both the Uruguay Round of GATT negotiations and a North American Free Trade Agreement (NAFTA) with Canada and Mexico.

We at Citicorp consider this issue from both a global and a domestic perspective. We are active in 96 countries around the world, with more than 40,000 employees throughout the U.S. Our added competitiveness in foreign markets will strengthen our corporation, increasing our ability to sustain and create jobs in the U.S. It will also increase our ability to provide global financial support, when needed, to Montana companies.

Both the Uruguay Round and the NAFTA are of prime importance to the financial services industry in general, and to Citicorp in particular. If successfully completed, the Uruguay Round would provide the GATT with its first ever agreement on financial services. U.S. banks would then have the ability to do business in countries that have denied us access for decades. Likewise, the NAFTA could eliminate barriers in the Canadian and Mexican banking systems that have kept us from freely competing in those countries.

A successful GATT Round could net U.S. businesses up to $300 billion over the next decade by opening up markets for our goods and services, and by reducing existing tariff and non-tariff barriers. The NAFTA would create a market of 360 million consumers with an annual GNP of $6 trillion and a combined output 25% larger than the European Common Market. But without Fast Track authority, both the Uruguay Round and the NAFTA will surely fail, and we will will have lost the opportunity to complete two of the most significant trade agreements in the post-War era.

Thank you for your thoughtful consideration.

Sincerely,

ROBERT C. WELLS.

SEA-LAND SERVICE, INC.,
Edison, NJ, April 30, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR BAUCUS: On behalf of Sea-Land Service, Inc. I want to urge your support for the Administration's request for an extension of the "fast track" legislative procedure that will allow it to pursue international trade agreements on behalf of the United States.

Sea-Land Service, Inc., a unit of CSX Corporation, is the largest U.S.-flag container shipping company and a world leader in intermodal freight transportation and related services. Sea-Land operates more than 70 containerships in U.S. and foreign trades, supported by an extensive transport network serving 70 countries and territories worldwide.

Sea-Land supports an extension of "fast track" authority in the firm belief that without it, the U.S. would not be able to negotiate trade agreements in good faith and as a consequence, would no longer be able to negotiate at all. Without an expedited and proscribed legislative procedure of the sort offered by "fast track," our trading partners would have no assurance that any mutually agreed international pact would be accepted by the U.S. Congress intact, or even considered in a timely fashion.

Sea-Land believes "fast track" offers extensive opportunity for the involvement of Congress in the negotiating process—opportunity carefully delineated by the Congress itself when it first drafted and approved the procedure. For example, the procedure requires the President to notify Congress 90 days in advance of his intent to sign an agreement. During this period Congress can thoroughly review all provisions of the agreement and request changes before the negotiations are concluded. Strong Congressional opposition to a given proposal will signal the President that, absent a modification to address the problem, the entire trade agreement could be jeopardized under the "up" or "down" vote that is required. No Administration would be willing to risk such an outcome without making a monumental effort to assuage the concerns of Congress.

Congress also has an opportunity to shape an agreement during the drafting and debate of the implementing legislation that must be passed to give legal domestic effect to any agreement. While Congress cannot alter the fundamental purpose of the particulars of the agreement, the details and legislative history developed during the process can effect and guide its implementation in our country.

In the last analysis, Members of Congress who decide a trade agreement is not in the best interests of their constituents can, and should, vote "no."

Finally—and most importantly—Sea-Land would point out that a vote on "fast track" is not—as some opponents are attempting to paint it—a vote for or against any one trade agreement that may or may not emanate from the negotiations it will insure. Indeed, our company reserves the right to oppose vigorously any agreement that we determine is not in our commercial interest. We do believe, however, that the nation is ill served when it is not able even to participate in the negotiating process. The United States must sit at the bargaining table in order to advance our national—and our sectoral—interests, and only an extension of the "fast track" authority will allow that to happen.

Trade is the life blood of an international transportation company such as Sea-Land. Without it, our business cannot grow and prosper. But trade—fair trade—does not take place in a vacuum. It is the product of the painstaking negotiations of many sovereign nations, only one of which is the United States. The U.S. must be able to say to its trading partners that it has in place a domestic legislative procedure that will provide a timely and fair review of the product its negotiators bring back home. As you know, that is what "fast track" is designed to offer, and we urge your approval of its extension.

Sincerely,

ALEX MANDL.

NAWGA,
Falls Church, VA, May 1, 1991.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Congress will soon be faced with one of the most important economic decisions of the year, if not the decade, when it votes on extension of the fast-track authority as it relates to the U.S.-Mexico free trade agreement and GATT negotiations. For those of us involved in the food and agriculture industry, this is a critically important vote.

Enclosed is a summary of the testimony I gave last week before the House Agriculture Committee in support of fast-track extension. As you can see from the enclosed list, over 60 individuals and organizations have endorsed my testimony, including six former secretaries of agriculture. I want to bring that list and this information to your attention as you decide on the merits of fast-track and the free trade agreement.

With kindest regards,

JACK.

OVER 60 U.S. FARM LEADERS AND ORGANIZATIONS JOIN TOGETHER IN SUPPORT OF FAST-TRACK AUTHORITY AND A NORTH AMERICAN FREE TRADE AGREEMENT

Over 60 agricultural leaders and organizations of the Citizens Network for Foreign Affairs' National Agricultural Advisory Committee (NAAC)—including seven former Secretaries of Agriculture—have formed a Task Force in support of a North American Free Trade Agreement and the extension of fast-track authority. NAAC chairman, former Secretary of Agriculture John R. Block, today testified on behalf of the Task Force before the House Committee on Agriculture in support of fast-track authority and a North American Free Trade Agreement.

The NAAC is made up of national and regional agriculture and agribusiness leaders. Its purpose is to provide U.S. agriculture with a "focal point" on American agriculture's stake in the U.S. relationship with the world's emerging economies, and as a means to build national policy consensus on critical international issues confronting public and private sector leaders.

Secretary Block's testimony, followed by a list of the Task Force members, is attached herewith:

SUMMARY OF THE TESTIMONY OF HON. JOHN R. BLOCK

This testimony is on behalf of the NAAC's Task Force on the North American Free Trade Agreement.

Time to engage the world economic challenge

All thoughtful Americans understand the crucial and rapidly growing importance of overall global economic growth to the nation's economic well-being. Although the general world-wide move toward freer markets is in many respects a victory resulting in part from a steadfast American foreign policy since 1945, this development also constitutes a challenge.

Specifically, Americans must decide whether they are willing to embrace a global view of business and international economics; the alternative, the adoption of protectionism and economic isolationism, will lead to trade wars from which no nation, including the United States, will benefit. A study by the USTR demonstrated the importance of exports to the U.S. economy when it stated that "since the Uruguay Round was started in 1986, export expansion has been responsible for 40 percent of total growth in U.S. GNP. In 1990, export growth accounted for 88 percent of U.S. economic growth."

Foreign trade is becoming increasingly important to our farm and agribusiness sectors.

U.S. agricultural exports were more than $40 billion in fiscal 1990.

The production from 25-30 percent of U.S. harvested crop acreage is exported each year.

About a fifth of farmers' cash receipts come from exports.

Exports of farm commodities support a half-million farm jobs, plus another half-million nonfarm jobs in processing, packing, and shipping agricultural exports.

Over half of some U.S. crops, such as wheat, rice, almonds, and sorghum, are produced for the export market.

U.S. agriculture is inseparably linked to the global marketplace. Future growth in demand for U.S. products will largely be outside the United States. Reliance on our relatively stagnant domestic markets will result in a shrinking agricultural industry. Over the next twenty years, the U.S. population will add 30 million people. The world population will grow by nearly two billion, and 90 percent of that growth will occur in less developed countries where food needs are greatest.

The Importance of the North American Free Trade Agreement

1. The successful establishment of a North American Free Trade Agreement (NAFTA) is vitally important to the healthy and cooperative development of the American, Canadian, and Mexican economies, since it would enhance the flow of goods, services, and investment between the three countries while also creating millions of jobs.

2. The existence of this free trade zone, with its 365 million consumers and a total output of $6 trillion, would spur the U.S. economy, while also promoting the economic well-being of our two closest neighbors, a development that is also in our own interest.

3. Since 1980, U.S. exports to Mexico and Canada have doubled, going from $55.3 billion to $111.4 billion. U.S.-Mexico bilateral farm trade reached a record level of $5.1 billion in 1990, about $150 million higher than 1989 and nearly $1.0 billion higher than in 1988. Mexico was our largest supplier of agricultural imports (after Canada), with total shipments of a record $2.6 billion in 1990. Mexican agricultural imports include: livestock, poultry and poultry products, feed grains, especially corn and sorghum, oilseeds, protein meals, and wheat and wheat flour.

4. U.S. agricultural exports to Mexico varied fairly dramatically during the 1980s, falling from about $2.5 billion in the early 1980s to $1.0-$1.2 billion in 1986-87, before rising to a record level of $2.7 billion in 1989. Many agricultural imports from Mexico are complementary products in that they are not produced in the U.S. or produced in only limited amounts, i.e, coffee, cocoa, bananas, etc.

5. The creation of a North American Free Trade Agreement (NAFTA) covering a region from the Yukon to the Yucatan would give U.S. exporters greatly increased access to a Mexican market of 88 million consumers, who by the year 2000 are expected to number 100 million. 50% of Mexico's population is under 15. Teenagers' and young adults' food requirements are higher than those of other age groups.

6. Thus, the United States has within its reach the exciting opportunity to create a great economic partnership that provides long-term prosperity to all three countries and helps all three to compete effectively in the global markets of the future.

The concerns of those skeptical of NAFTA should be addressed

There are reasonable people who do not yet recognize the importance of a NAFTA. Many of their concerns focus on issues related to health standards, labor laws, and the environment. In this regard, it is important to note that:

1. Uniform health regulations across an integrated market should improve food quality and safety. The U.S. is not about to abandon its food safety laws. The Mexicans are making great strides toward updating their environmental standards—those differences still remaining can be addressed and resolved by bilateral talks between the nations.

2. A healthier Mexican economy will greatly increase the number of new jobs in Mexico.

3. Environmentally-protective policies can best be implemented when the implementing government has a healthy, growing economy. Once the FTA stimulates growth in the Mexican economy, the increasing numbers of employed and more financially comfortable Mexicans will constitute a natural domestic environmental constituency in Mexico. By working to improve Mexico's standard of living, we will also be providing them the opportunity to improve their environmental safety standards.

Thus, a mutually beneficial NAFTA can be worked out through commitment, dedication and belief in the overall goals that can be achieved. The crucial importance of these goals requires that differences and problems be resolved by people committed to building

a better world through economic growth and freedom.

The importance of fast-track negotiations

An extension of the U.S. fast track authority is a prerequisite for continued negotiations in the GATT and for commencing talks with Mexico and Canada on a North American Free Trade Agreement. Without fast track, any negotiated package sent to Congress is subject to multiple amendments which could unravel the entire agreement. Specifically, without fast track, our negotiators cannot assure our negotiating partners that the deal they agree to will be the one that will be voted on by Congress. Without that assurance, foreign governments are reluctant to give their bottom line knowing that the deal could be reopened. Our negotiating partners will not negotiate with the United States if they know that Congress will probably amend any agree package, thus upsetting the balance of concessions and benefits that made the package acceptable to all parties in the first place.

Most important, as part of the fast track process, the administration will cooperate with the Congress during the negotiation, approval, and implementation of trade agreements. To ensure input from the Congress and the private sector, the fast track statute requires extensive consultation and notification. The Congress is an active partner at each step along the way from initiation to implementation.

The North American Free Trade Agreement Task Force of the National Agricultural Advisory Committee of the Citizens Network for Foreign Affairs and its undersigned members believes:

1. The fast track authority should be extended and the negotiation of a NAFTA should proceed as rapidly as possible.

2. The NAFTA offers significant market opportunities for the U.S. agricultural sector and also for Mexico and Canada. The NAFTA can be a big step in reforming the world agricultural trading system which has unfairly hurt American farmers.

3. A NAFTA provides the opportunity for the U.S. to make progress not merely in economic trade but in our broader agenda, including food safety, environmental protection, and labor standards.

Many critical issues must be decided. But they can be resolved and should not be allowed to be a stumbling block in the way of completing of the NAFTA.

4. America's food and fiber producers and processors will be able to compete with Mexican and Canadian counterparts and will have new opportunities to forge partnerships and joint ventures for the benefit of all. We have confidence in the system in this country that has set up the most efficient and productive system of agriculture in history.

5. The GATT inconsistent import license requirements mandated by Mexico on agricultural products need to be resolved. It is estimated that these requirements cost our agricultural sector some $250 million in 1989 in lost sales. The NAFTA provides the best vehicle for resolving and removing these unpredictable non-tariff barriers.

6. Congress and the American people need to have a full understanding of the fast track and NAFTA process. Congress should recognize that it will and must play an important role in the negotiation process.

7. The U.S., after everything is taken into consideration, must cautiously but steadily pursue a complementary and mutually beneficial free trade agreement. An agreement that all countries involved should pursue equally. We strongly support the extension of fast track authority and the negotiation of a North American Free Trade Agreement.

The undersigned members of the North American Free Trade Agreement Task Force of the National Agricultural Advisory Committee of the Citizens Network for Foreign Affairs strongly support the above statement:

1. Hon. John R. Block
2. Hon. Clayton K. Yeutter
3. Hon. Richard E. Lyng
4. Hon. Orville L. Freeman
5. Hon. Clifford M. Hardin
6. Hon. Earl L. Butz
7. Hon. Bob Bergland
8. John A. Schnittker
9. Robert L. Thompson
10. Farmland Industries, Inc.
11. National Rural Electric Cooperative Association
12. National-American Wholesale Grocers' Association
13. American Farm Bureau Federation
14. ConAgra, Inc.
15. Archer-Daniels-Midland
16. Pioneer Hi-Bred International, Inc.
17. U.S. Feed Grains Council
18. National Corn Growers Association
19. Cargill, Inc.
20. Continental Grain Company
21. National Pork Producers Council
22. Board of Trade of Kansas City, Missouri, Inc.
23. American Society of Agricultural Consultants.
24. American Soybean Association
25. Fresh Farms, Inc.
26. Winrock International
27. Riviana Foods Inc.
28. Uncle Ben's, Inc.
29. Doane Agricultural Services Company
30. Sunkist Growers, Inc.
31. National Oilseed Processors Association
32. National Cattlemen's Association
33. National Grain Trade Council
34. Scoular Grain Company
35. Terminal Elevator Grain Merchants Association
36. Louis Dreyfus Corporation
37. North American Export Grain Association
38. National Barley Growers Association
39. American Meat Institute
40. GROWMARK, Inc.
41. Rice Growers Association of California
42. Farmers' Rice Cooperative
43. Daniel G. Amstutz
44. E.A. Jaenke
45. Equipment Manufacturers' Institute
46. Sweetner Users Association
47. Griffin & Brand of McAllen, Inc.
48. Rice Millers' Association
49. Millers' National Federation
50. Ag Processing, Inc.
51. International Apple Institute
52. National Grain and Feed Association
53. American Oat Association
54. Riceland Foods
55. American Seed Trade Association
56. Corn Refiners Association, Inc.
57. Burlington Northern Railroad
58. Harvest States Cooperatives
59. Chocolate Manufacturers Association
60. National Confectioners Association
61. National Turkey Federation
62. Union Equity
63. National Sunflower Association
64. International Forest Products Association

NOTE.—This statement represents the opinions of the members of the Task Force on the North American Free Trade Agreement of the Citizens Network for Foreign Affairs' National Agricultural Advisory Committee and is not necessarily meant to represent the views of the Citizens Network for Foreign Affairs. The Citizens Network for Foreign Affairs is a public education, public policy organization which limits its activities to educating Americans on the U.S. stake in its international relationships and to enhancing and expanding the policy dialogue on major international issues.

AMERICAN BAR ASSOCIATION
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, May 8, 1991.

Hon. MAX BAUCUS,
Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: We understand that your Committee will consider shortly resolutions disapproving extension of fast-track procedures for international trade agreement implementing bills. The American Bar Association strongly supports extensions of fast-track negotiating authority. On behalf of the ABA's 360,000 members, we urge you to report any disapproval resolution unfavorably and to vote to defeat disapproval when the full Senate votes later this month.

The American Bar Association believes that the fast-track procedure is an essential prerequisite to trade negotiations. Other countries will not enter into a bargain with the United States if the negotiated agreements can be reopened through selective amendments; an up-or-down vote on the agreement is critical. Recognition of these facts of life inspired Congress to create the fast-track procedure in the Trade Act of 1974, and every President since then has had this authority. It is vital that the two-year extension provided for in the 1988 Omnibus Trade and Competitiveness Act be allowed to go forward.

The fast-track procedure preserves the full Constitutional authority of Congress in international trade. Moreover, in his May 1, 1991 letter to Congress, the President gave his personal commitment to close, bipartisan cooperation to ensure active Congressional involvement in upcoming trade negotiations.

In supporting the fast-track process, the ABA takes no position on the merits of any agreements that might result. The time for judgment on the merits is at the conclusion of negotiations, when an agreement is presented to Congress for its consideration. It appears certain, however, that Congress will have no agreements to assess unless fast-track procedures are assured.

We urge you to work for an extension of fast track.

Sincerely,

ROBERT D. EVANS.

THE ONGOING VIOLENCE IN KASHMIR

Mr. METZENBAUM. Mr. President, violence in the northern Indian Province of Jamu and Kashmir continues unabated. Thankfully, it now appears that independent human rights workers and journalists are being permitted to travel freely in contested areas, a change from the Indian Government's recent restrictive policies.

Nevertheless, an intolerably large number of civilians continue to be victims of governments attempts to quell violence by Kashmiri militants. There is provocation by militant groups, and

this the government has a right to address. The problem is that a clear pattern of government violence directed at civilians has emerged under the pretense of putting down separatist violence.

Mr. President, on March 21, 1991, submitted Senate Resolution 91, a resolution regarding the search for peace and protection of human rights in Kashmir. It is my hope that the Senate will see fit to act positively on Senate Resolution 91 in the near future.

For the time being, we can only watch developments in Kashmir. We hope that the democratically elected government of India will be able to impose better discipline on its security forces in Kashmir.

In this regard, I ask unanimous consent that the following documentary evidence of developments in Kashmir be printed at the conclusion of my remarks: A May 9, 1991, article from the New York Times, and the summary pages of the report, "Human Rights in India: Kashmir Under Siege" issued by the respected human rights group Asia Watch on May 5, 1991.

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

HUMAN RIGHTS IN INDIA KASHMIR UNDER SIEGE

(An Asia Watch Report, May 1991)

I. INTRODUCTION

Jammu and Kashmir, India's northernmost state, lies south of one of the highest ranges of the Himalayan mountains in a region bordering Pakistan, Tibet and China. The state comprises the areas of Jammu, on the plains below the Pir Panjal mountain range, and the Kashmir valley, which lies between the Pir Panjal and Pangi ranges south of the highest peaks of the Karakoram mountains. The state also includes Ladakh, bordering Tibet. Throughout the report, we have used the term, "the valley," to describe that part of the state that lies in the valley of the Jhelum river and includes the towns and villages of Handwara, Baramulla and Sopore to the northwest, Anantnag to the southeast and Srinagar, the state's summer capital,[1] in the center.

Jammu and Kashmir is the only Indian state in which Muslims represent a majority.[2] The state's political status within the Indian union has been a source of considerable controversy and the site of three border wars since the partition of British India into the independent nations of India and Pakistan in August 1947. The legitimacy of Kashmir's accession to India is disputed by Pakistan and by separatist groups in Kashmir, but because of Kashmir's strategic and symbolic importance,[3] India's central government has resisted negotiations on the status of the territory since 1948. Instead, it has sought to retain control over the state by marginalizing nationalist Kashmiri political leaders and engineering electoral victory for parties supporting the center.

The agreement under which the state of Jammu and Kashmir became part of India promised the state government autonomy in all regional affairs, leaving only foreign affairs, defense, and communications to the central government. Jammu and Kashmir is also the only state in the Indian union with its own constitution. However, that autonomy never materialized as the central government disregarded constitutional provisions protecting the state's separate status and enacted legislation bringing the state increasingly under the control of the center. Political leaders in Kashmir who demanded genuine autonomy and who protested the central government's interference in local politics were jailed on charges of sedition. By the mid-1960s, some Kashmiris began to advocate other means to bring about political change, forming militant organizations, a number of which received arms and training from Pakistan.

Violence by these groups escalated after the 1987 state elections, which were widely believed to have been rigged by the ruling Congress (I) party.[4] The December 1989 kidnapping of Home Minister Mufti Mohammad Sayeed's daughter by a militant group provoked a massive crackdown by the central government. In the first weeks of 1990, government forces arrested hundreds of young men and opened fire on unarmed demonstrators, killing scores of civilians.

Since then, the central government has pursued a policy of repression in Kashmir that has resulted in massive human rights violations by the army and the security forces, including extrajudicial executions, disappearances, arbitrary arrest, prolonged detention without trial, and widespread torture. Government troops have also violated the laws of war which prohibit indiscriminate attacks on civilians, summary execution and the wanton destruction of civilian property. Militant groups have executed suspected police informers, and have threatened and murdered prominent Muslims and members of the minority Hindu community. Militants have also violated the laws of war prohibiting indiscriminate attacks on civilian targets.

The violent government crackdown in Kashmir prompted Asia Watch to send a delegation to the state in December 1990. The team traveled throughout the Kashmir valley and to New Delhi, interviewing doctors, lawyers, students, journalists, human rights activists and ordinary Kashmiris, including Hindu families who had left the valley. They gathered information about human rights abuses by both government forces and militant groups. Many of the people who provided information to us had clear sympathies with one side or the other in the conflict; some of these same informants provided information about abuses by forces on both sides. The strength of the eyewitness testimony and the consistency of the reports establish a pattern of gross and systematic human rights abuses. Following the mission, Asia Watch has sought responses from the government of India to a number of questions concerning human rights conditions in Kashmir. By the time this report went to print, no response had been received.[5] The findings of the Asia Watch mission are contained in this report, along with recommendations to the government of India and the militant groups operating in Kashmir.

Summary of conclusions

In the efforts to crush the militant separatist movement in Kashmir, Indian government forces have acted without regard for international human rights and have violated the laws of war protecting civilians in situations of armed conflict. Indian army soldiers and federal paramilitary troops of the Central Reserve Police Force and the Border Security Force have used lethal force against peaceful demonstrators, shooting scores of unarmed civilians. Following militant attacks, government forces have also engaged in the summary execution of suspected militants and reprisal killings of civilians. During such operations, the security forces have opened fire in crowded markets and residential areas. They have also conducted warrantless house-to-house searches, seizing young men and beating them, threatening and, in some cases, raping family members, and burning down entire neighborhoods. Security legislation has increased the likelihood of such abuses by authorizing the security forces to shoot to kill, and by protecting them from prosecution for human rights violations. Asia Watch's investigators directly gathered information on some 200 of the extrajudicial killings by government forces since the beginning of 1990. They also investigated many cases of assault, rape and torture. In a large number of cases, they obtained independent testimony from several eyewitnesses whose accounts corroborated each other.

The Indian government has not made public the number of persons who have been detained since the crackdown began in January 1990. Detainees are reported to be held in Jammu and in prisons elsewhere in India; however, large numbers have also been held in unacknowledged detention at army bases and federal police camps throughout the valley. In most cases, no grounds for arrest have been provided; many of those detained appear to have been arrested merely because they advocated independence, opposed the central government's policy in the state, or resided in neighborhoods in which the security forces came under militant attack and were therefore perceived to sympathize with the militants.

Family members frequently have not been informed of the whereabouts of detainees. The detainees themselves rarely have access to lawyers, and some have been denied medical care. Habeas corpus petitions have not provided a remedy for illegal detentions as the families of those detained often cannot identify the detaining authority or where the person may be detained, or are unfamiliar with the procedure. Members of the Jammu and Kashmir High Court Bar Association filed over 3,000 petitions in 1990 seek-

[1] In the winter months, when the roads become impassable, the capital shifts to Jammu.

[2] Muslims make up approximately 12 percent of India's estimated 850 million people. In Jammu and Kashmir, they make up roughly two-thirds of the population and predominate in the Kashmir valley.

[3] Bordering two nations with which India has had wars, Pakistan and China, Kashmir's strategic importance is obvious. Before the current crisis, it had been one of India's premier tourist attractions and a high-export agricultural state. Kashmir's symbolic significance reflects the fact that it was the birthplace of India's first prime minister, Jawaharlal Nehru. For Nehru, and for other nationalist leaders, the inclusion of a Muslim-majority state was an important symbol of Indian secularism.

[4] The Congress Party has governed India for most of the years since the country's independence in 1947. In 1977, the party was defeated in an election largely seen as a repudiation of Indira Gandhi's imposition of emergency rule in 1975–77. In 1978 the party split between those who remained loyal to Indira Gandhi and those who did not; the Gandhi faction renamed itself Congress (I), for Indira, who returned to power in 1980 and was assassinated in 1984. She was replaced as Prime Minister by her son, Rajiv Gandhi, who held that position until he was defeated by V.P. Singh's National Front in 1989.

[5] During this period, the government of Prime Minister Chandra Shekhar fell, which may have made it difficult for the government to respond to Asia Watch's inquiry.

ing information as to the whereabouts of detainees. None had been acted on as of late November 1990. Lawyers who have attempted to represent detainees have been harassed by the security forces.

Torture is widespread, particularly in the temporary detention centers. Methods of torture include electric shock, prolonged beatings, and sexual molestation. Torture is practiced apparently both to force detainees to reveal information about alleged militants and to impose summary punishment on detainees who are believed to support the separatist cause. Security legislation in effect in Jammu and Kashmir has suspended safeguards against torture, including the requirement that all detainees be seen by a judicial authority within 24 hours of arrest.[6] These laws also suspend prohibitions against the use of confessions that may have been obtained under duress and permit incommunicado detention; both provisions serve to increase the risk of torture.

The government has also harassed members of the press and has attempted to prevent information about conditions in the state from being reported by denying curfew passes, banning local Urdu newspapers, and, in one case, arresting and mistreating a prominent local reporter.[7] For several months at the beginning of 1990, foreign correspondents were denied access to Kashmir.[8]

To date, Asia Watch is unaware of any conviction of a member of the Indian army or the security forces for any human rights violations in Kashmir. In the rare cases in which investigations have taken place, the most severe punishments for abuses have been dismissals or suspensions from duty.[9] The Indian government may not have explicitly sanctioned the abuses that have taken place in Kashmir; it has, however, abdicated its responsibility to enforce the law, and has given the security forces free rein to engage in gross abuses in the name of fighting "terrorism." The Indian government's failure to account for these abuses and take action against those members of its forces responsible for murder, rape and torture amounts to a policy of condoning human rights violations by the security forces.

For their part, the militants have flagrantly violated international humanitarian law by killing, kidnapping and assaulting civilians. Asia Watch gathered direct testimony about many such attacks that have taken place since late 1989. Militant organizations have issued death threats and have assassinated members of the minority Hindu community[10] and Muslims who have not supported their separatist cause. In addition, militant groups have killed civil servants and have summarily executed suspected government informers. Militant forces have also thrown grenades, bombs and other explosive devices at buses, residences and government buildings, killing and wounding civilians.

A number of militant groups have also issued threats against and have attacked business owners and others they perceive as "un-Islamic." Some groups have also threatened reporters, in one case assassinating the director of the state television station. Newspaper offices have been attacked, and some militants have issued banning orders against newspapers published outside the valley.

[From the New York Times, May 9, 1991]

INDIAN FORCES IN KASHMIR FIRE ON REBEL MOURNERS

SRINAGAR, Kashmir, May 8.—Indian paramilitary forces fired on hundreds of mourners today as they carried four victims of police bullets for burial. At least 14 people were killed, raising the day's death toll to 47 in violence stemming from a Muslim insurgency for an independent Kashmir.

In separate fighting in Punjab State, Indian Army troops besieged Sikh rebels in a village after a battle between the militants and policemen left at least 11 people dead. It was the first confrontation between the regular army and Sikhs in seven years.

The bloodshed in Kashmir centered on Srinagar, the northern state's capital, where 29 people were reported killed. The authorities said that 18 more people died in other parts of the Kashmir Valley.

Paramilitary troops of the Central Reserve Police Force opened fire on about 3,000 people gathered at a cemetery to mourn four victims of an earlier police shooting. The troops left after firing for about 10 minutes.

The authorities asserted later that the troops had first been fired on by militants in the crowd, but no shots were heard before the troops began shooting.

Ten people were killed in the first fusillade, their bodies scattered along a street running next to the cemetery. The Press Trust of India said three people died of bullet wounds in the hospital.

Mourners ran screaming into narrow side lanes, leaving the street littered with shoes and sandals. The four coffins lay on the ground. When people returned to collect the bodies, another group of troops opened fire, killing a teen-age boy.

Fifteen people were killed earlier in the day, the police said. Witnesses said that seven were shot at home by enraged paramilitary troops searching for militants who had fired on them, and that four were passers-by hit by indiscriminate shooting during a police raid on a suspected rebel hideout.

More than 2,200 people have died since the Kashmir separatists took up arms in December 1989. Nearly two-thirds of the population in the Indian-controlled part of the state is Muslim.

In Punjab, 200 soliders and 600 other security troops surrounded the village of Rattol, about 25 miles south of the city of Amritsar, center of the Sikh separatist movement. The soldiers took over the fighting today after policemen and paramilitary troops failed to dislodge Sikhs firing from fortified houses and narrow lanes.

The battle began early Tuesday when the rebels ambushed police officers searching for two of their comrades who had been kidnapped the previous day, officials said.

A senior district official said seven, rebels, one soldier and five policemen had been killed in the first 36 hours of fighting.

The United News of India reported that 10 people were killed elsewhere in Punjab today in incidents related to the nine-year insurgency in the farming state, where Sikhs are a slight majority. About 1,500 people have died in fighting this year in Punjab.

The army's involvement in Rattol represented the first direct confrontation between the military and Sikh rebels since June 1984, when soldiers invaded the Golden Temple of Amritsar, the Sikhs' most sacred shrine, to dislodge armed militants.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,250th day that Terry Anderson has been held captive in Lebanon.

MANY THANKS TO NADINE HAMILTON

Mr. BURDICK. Mr. President, today I rise to recognize a staff member of the Senate Committee on Environment and Public Works who gave the Senate 10 years of invaluable guidance and wisdom on transportation issues. Nadine Hamilton is leaving the committee staff and I want to thank her for the time and energy she devoted to the committee and to surface transportation issues.

Nadine came to the committee as a Presidential management intern after completing her master's degree in urban planning and policy at the University of Illinois at Chicago. Her policy formation skills and keen understanding of the issues was recognized by then Chairman Stafford and she was asked to stay on the committee as a professional staff member upon completion of her internship. Nadine worked under Chairman Stafford for 5 years and then under my chairmanship when the leadership changed in the 100th Congress. Nadine's work for both parties proves her commitment and unbiased dedication to the issues. Nadine served the people with a unique sense of responsibility and urgency. Her desire to inform, help and educate the public did not go unnoticed.

Nadine will be sorely missed. The highway bill reauthorization in this Congress will be a tremendous challenge without her experience and input. I would like, Mr. President, for you and my colleagues in the Senate to join me in thanking Nadine for a job

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[6] These safeguards are included in the Code of Criminal Procedure (Act XXIII of 1989 (A.D. 1933) of Jammu and Kashmir). Section 60 provides that "A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of the police station." Under Section 62, "officers in charge of police stations shall report to the District Magistrate . . . the cases of all persons arrested without warrant . . ." Section 61 provides that "No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court." India's Code of Criminal Procedure, which is not applicable to Kashmir, also provides for these safeguards.

[7] *See* pp. 72–74.

[8] Since May 1990, some foreign correspondents have reported on abuses by the security forces in Kashmir. Indian human rights groups have also published a number of reports documenting human rights violations in Kashmir.

[9] *See* pp. 13–14.

[10] These threats resulted in a mass exodus of Hindu residents from the valley in early 1990. The precise number of Hindus who left is not known; press reports indicate that the number ranged from 50,000 to 90,000. The government assisted, and may have encouraged the exodus, according to some accounts. The Hindu exodus has intensified concern about bringing about a reconciliation between the two religious communities when the conflict ends. For a further discussion, *see* pp. 98–99. In later months, many Muslim families also left the valley out of fear of violence by both government forces and the militants.

exceptionally well done and in wishing her Godspeed on her next endeavor.

INTERNATIONAL TRADE COMMISSION RESOLUTION COMMEMORATING THE DISTINGUISHED SERVICE OF SENATOR JOHN HEINZ

Mr. BENTSEN. Mr. President, on Tuesday, April 23, 1991, the U.S. International Trade Commission unanimously passed a resolution commemorating the distinguished service of Senator John Heinz. I hereby request that a copy of the resolution be printed in the CONGRESSIONAL RECORD.

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

RESOLUTION TO COMMEMORATE THE DISTINGUISHED SERVICE OF SENATOR JOHN HEINZ TO THE U.S. INTERNATIONAL TRADE COMMISSION AND THE WORLD TRADE COMMUNITY

Whereas the Commissioners and the staff of the U.S. International Trade Commission note, with deep regret, the death on April 4, 1991, of Senator John Heinz;

Whereas Senator John Heinz served a distinguished career in the House of Representatives for six years and in the Senate for 14 years, which included 12 years as a Member of the Senate Finance Committee and the Subcommittee on International Trade, the Senate oversight of the Commission's activities; and

Whereas during the course of his service on that Committee, Senator Heinz made major contributions to the Commission, including: Demonstrating with effort and thought a continuing and active interest in the laws that this agency administers and in their effective application; showing willingness to spend time at the sacrifice of competing demands to monitor and encourage this institution and listen to its concerns; and illustrating by example the finest tradition of public service performed with calm professionalism and complete competence: Now, therefore, be it

Resolved, That the Commission acknowledge with appreciation the distinguished service of Senator John Heinz to his colleagues, his constituents, and the Nation, that this resolution be incorporated into the minutes of the Commission, and that copies thereof be transmitted to Senator Heinz' family and to his staff.

EFFECTIVE OVERSIGHT AND CONTROL OF CLASSIFIED AND COMPARTMENTED SPENDING

Mr. BYRD. Mr. President, the annual appropriations bills passed by the Congress included very large sums to support those portions of the budget of the Department of Defense and the national foreign intelligence programs which are classified and not open to public debate. In addition to the vast sums that are made available, many of the activities that are funded are highly sensitive, and commit the Nation to activities and programs affecting the foreign relations of the United States as well as the Nation's defense industrial base.

Last year, the Appropriations and Armed Services Committees of both Chambers initiated a change in the way that that legislation was crafted in order to remove any doubt that the rule of law applies to the spending patterns in this area just as it does to the spending patterns in any other area of Government. The committees took the step of giving binding legal effect to the classified annexes associated with legislation approving the regular bills authorizing and directing the spending in our defense and intelligence programs. This critical change was long overdue because it is logical that the very large budget in the national intelligence and special defense areas involve many large and critical programs, some of which inevitably involve contention and controversy. In such contentious areas, only clear and binding statutory direction can settle and resolve the issues. Less authoritative direction, in the form of committee report language, in the past apparently sufficed to do the job, but has proved insufficient in recent years, in particular because of the increasingly cavalier attitude that the executive branch has taken toward committee reports accompanying congressional action during the 1980's.

The detailed rationale and historical reasons behind this action by the committees in the conference reports on the fiscal year 1991 Defense appropriations and authorizations measures are included at length in the committee report associated with the fiscal year 1991 Department of Defense appropriations bill.

The relevant section of the Defense appropriations conference report, which gives the classified annex the binding status of law, section 8081, is as follows:

The classified Annex prepared by the committee of conference to accompany the conference report * * * and transmitted to the President shall have the force and effect of law as if enacted into law.

This language, for which there is ample precedent, was specifically used to give binding legal effect to the classified annexes. Indeed, at the request of the staff of the National Security Council, we ensured that the classified annex was delivered to the White House simultaneously with the presentment of each bill in order to preclude any question as to the relationship of the classified annex to the bill.

I was, therefore, surprised by the following assertion in the signing statement on the bill:

The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law.

This statement is simply wrong. The Appropriations Act does not state that "the provisions of the annex are not law." On the contrary, it expressly states that the provisions of the classified annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the classified annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 40 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the executive branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. I am confident that the executive branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law."

Mr. President, the chairman of the Armed Services Committee, the distinguished Senator from Georgia [Mr. NUNN] and I, together with the other principals in fashioning this legislation in both bodies, Mr. INOUYE, the chairman of the Defense Subcommittee of Appropriations and his House counterpart, Mr. MURTHA from Pennsylvania, along with the chairman of the House Armed Services Committee, Mr. ASPIN from Wisconsin, have sent similar letters to the President noting our concerns about the language included in the signing statements on the fiscal year 1991 bills and indicating our trust that the President "will ensure that all executive branch personnel adhere to the legal requirements established by the classified annex." We want to work together with the President to make our Nation strong and effective as a world leader in advancing the principles and values that we believe in as a nation.

So long as we appropriate vast sums of money to conduct such activities, there will be an imperative to regulate, and to provide direction as to the proper usage for those funds. Any other course would amount to abdicating the most fundamental of responsibilities that we in the Congress have, namely, to see to it that the taxpayers' money is used in ways that meet the approval and concurrence of the Congress, and is consistent with the values and practices of the American system.

Mr. President, I include in the RECORD copies of the letters sent by the leaders of the Appropriations and Armed Services Committees of both Chambers to the President on this matter.

I also ask that an excerpt from Senate Report 101-521 be printed in the RECORD at this point.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to raise several concerns about the statement you issued on November 5, 1990 concerning the interpretation of the Department of Defense Appropriations Act, 1991.

The Act contains the following provision incorporating by reference a Classified Annex: "The Classified Annex prepared by the Committee of Conference to accompany the conference report * * * and transmitted to the President shall have the force and effect of law as if enacted into law."

This language, for which there is ample precedent, was specifically used to give binding legal effect to the Classified Annex. Indeed, at the request of your staff, we ensured that the Classified Annex was delivered to the White House simultaneously with the presentment of the bill in order to preclude any question as to the relationship of the Classified Annex to the bill.

We were, therefore, surprised by the following assertion in your signing statement on the bill: "The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law."

This statement is simply wrong. The Appropriation Act does not state that "the provisions of the annex are not law." On the contrary, it expressly states that the provisions of the Classified Annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the Classified Annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 48 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the Executive Branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. We are confident that the Executive Branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law." We trust that you will ensure that all Executive Branch personnel adhere to the legal requirements established by the Classified Annex.

We also wish to note our disagreement with another aspect of your signing statement which implies constitutional objections to certain other (but unspecified) provisions of this bill. For example, your signing statement suggests that other provisions of the bill could be "construed" to interfere with what you describe as your "authority to conduct U.S. foreign policy, including negotiations with other countries." This bill was carefully drafted with due regard for the respective powers of the Congress and the President. We do not agree with your suggestion that any of its provisions should be regarded as "precatory rather than mandatory."

We appreciate your statement that the Appropriations Act "provides resources that will permit us to maintain a strong national defense." We believe that the bill provides the basis for improved cooperation between the President and Congress in the interests of national defense, and we urge you to ensure that all provisions of the bill are implemented in a manner that furthers that important objective.

Sincerely,

Robert C. Byrd, Chairman, Senate Committee on Appropriations; Daniel K. Inouye, Chairman, Subcommittee on Defense of the Senate Committee on Appropriations; John P. Murtha, Chairman, Subcommittee on Defense of the House Committee on Appropriations.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to raise several concerns about the statement you issued on November 5, 1990 concerning the interpretation of the National Defense Authorization Act for Fiscal Year 1991. We understand that a similar letter is being sent by the Senate and House Appropriations Committees.

Section 1409 contains the following provision incorporating by reference a Classified Annex: "The Classified Annex prepared by the Committee of Conference to accompany the conference report . . . and transmitted to the President shall have the force and effect of law as if enacted into law."

This language, for which there is ample precedent, was specifically used to give binding legal effect to the Classified Annexes. Indeed, at the request of your staff, we ensured that the Classified Annex was delivered to the White House simultaneously with the presentment of each bill in order to preclude any question as to the relationship of the Classified Annex to the bill.

We were, therefore, surprised by the following assertion in your signing statements on the bill: "The Congress has thus stated in the statute that the annex has not been enacted into law, but it nonetheless urges that the annex be treated as if it were law. I will certainly take into account the Congress' wishes in this regard, but will do so mindful of the fact that, according to the terms of the statute, the provisions of the annex are not law."

This statement is inconsistent with the legislation. Neither the Authorization Act nor the Appropriation Act contains a statement that "the provisions of the annex are not law." On the contrary, both expressly state that the provisions of the Classified Annex "shall have the force and effect of law as if enacted into law." The phrase, "as if enacted into law" does not reflect any doubt as to the legal effect of the Classified Annex. It is a standard legislative provision that has frequently been used to incorporate by reference an item that is outside the literal text of the statute. Since 1981, this phrase has been used in at least 48 provisions of law to incorporate matter by reference. Most of these incorporations have been in appropriations acts, and have provided the sole authority for obligation of specified funds by the Executive Branch. Without such legislation, the obligation of such funds would have been in violation of the Anti-Deficiency Act, a criminal statute. We are confident that the Executive Branch personnel who permitted the expenditure of funds did not violate the Anti-Deficiency Act, and that they were justified in relying upon language which incorporated into law otherwise unenacted matter by use of the phrase "as if enacted into law." We trust that you will ensure that all Executive Branch personnel adhere to the legal requirements established by the Classified Annex.

We also wish to note our disagreement with other aspects of your signing statements which imply constitutional objections to certain other aspects of this legislation. For example, your signing statements suggest that other provisions of the bills could be construed to interfere with what you describe as your "authority to deploy military personnel as necessary to fulfill my constitutional responsibilities," "to deploy the Armed Forces as I see fit," "to protect sensitive national security information," "to interpret treaties," and "to conduct U.S. foreign policy, including negotiations with other countries." These provisions were drafted with due regard for the respective powers of the Congress and the President. We do not agree with your suggestion that several of these provisions should be regarded as "precatory rather than mandatory." You suggest, for example, that the European troop strength limitations in section 406 of the Authorization Act are not binding. We would point out that similar provisions have been in effect since 1985, and have been adhered to by the Executive Branch during that entire period of time. We trust that you will ensure that these laws are faithfully executed.

You have also stated your "understanding that the Congress did not intend that the obligation of funds for ground-based interceptors and sensor [sic] identified in the conference report on H.R. 4739 be dependent on a determination at this time that these systems are deployable under the ABM Treaty." This statement does not accurately reflect Congressional intent. The conference report (House Report 101-923, at p. 556), specifically states: "The Conferees further agree that ground-based interceptors, such as GBI-X and E21, and ground-based sensors, such as GSTS, may be funded within the limited protection systems program element." Under section 221 of the Act, the "limited protection systems program element" includes "programs, projects, and activities which have as a primary objective the development of *systems and components which, if deployed as a limited defense, would not be in violation of the 1972 ABM Treaty.*" (Emphasis added). Accordingly, by specifically referring to the "limited protection systems element," we clearly reflected our understanding that these systems would not, if deployed, be in violation of the 1972 ABM Treaty.

We appreciate your statement that the Authorization Act "will provide for a strong national defense." We believe that this legislation provides the basis for improved cooperation between the President and Congress in the interests of national defense, and we urge you to ensure that all provisions of the legislation are implemented in a manner that furthers that important objective.

Sincerely,

SAM NUNN,

Chairman, Senate Committee on Armed Services.
LES ASPIN,
Chairman, House Committee on Armed Services.

S. REPORT 101-521 (PP. 265-6), DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1991

In the past, the Committee prepared a classified annex which was intended to provide binding direction on the activities of the executive branches for all these programs, as well as prescribing specific dollar amounts for them. Legally, the text of the classified annex was not incorporated into the underlying act, but the practice of the executive branch was to comply with the directives and recommendations of the annex. However, recently, and particularly in the last year, the executive branch has taken the position that the classified annex is simply a report like any other report issued by the committees of the Congress to accompany legislation enacted by the Congress, rather than law, and that such reports are merely advisory in nature. Consequently, a number of very important decisions incorporated in the classified annex to the Department of Defense Appropriations Act for Fiscal Year 1990 were either ignored or challenged by both the Secretary of Defense and the Director of Central Intelligence on the grounds that they were not legally bound to comply with them. In fact, compliance with a number of the most important provisions of the classified annex was partial, came very late in the year, and only after long delays and confrontations between all three of the oversight committees and the executive branch.

The central problem in this situation is that due to the classified nature of the activities being appropriated and directed, there has simply not been any legislation that the classified annex accompanied. For reasons of national security, the funding is concealed in general DOD accounts in the underlying DOD appropriation measure, and contains no effective guidance for the departments and agencies concerned. The only vehicle available has been the classified annex itself, which the Congress intended to be binding and which the executive branch chose to regard as a standard committee report which it could comply with or ignore as it saw fit. The Committee cannot accept any further uncertainty over the binding effect of its decisions affecting such large sums of money and activities so vital and, in some cases, controversial. Thus, it believes that it has no choice but to incorporate the provisions of the classified annex into the statutory language, thereby making the annex law, and to explain its decisions in the legislation through a separate classified report accompanying the legislation. To allow the practice of the executive branch to continue would, in effect, be assenting to a de facto line-item veto authority on the part of the executive branch over the entirety of the intelligence programs and special access programs engaged in by the United States, a sweeping abdication of authority of the Congress in areas which are central and critical to the national security of the United States. The Committee can no longer accept the consequences of the executive branch's practice in this area and has taken the necessary step in the context of this legislation to remove any ambiguity as to the legally binding nature of the provisions of the classified annex.

While the classified annex cannot be debated in open session, it will be deemed to be passed concurrently and as an integral part of the unclassified Defense Appropriations Act and will be presented together with the unclassified portion of the bill to the President. They will be enacted, vetoed, or fail of enactment as one piece of legislation.

The Committee has prepared a classified report to clarify the meaning of the provisions of the bill and to provide additional guidance which the Committee expects the executive branch to regard as authoritative and to be followed in good faith as it should in respect to congressional reports accompanying all legislation.

Mr. NUNN. Mr. President, I want to congratulate the distinguished chairman of the Appropriations Committee on his thoughtful remarks on the need for effective oversight and control of classified and compartmented spending. As he notes in his remarks, Congress has authorized and appropriated very large sums of money for use by the Department of Defense and the National Foreign Intelligence programs for highly sensitive programs and activities.

These funds are made available through the classified annexes which accompany the authorization and appropriation bills for the Department of Defense. These annexes have provided the executive branch with ample authority to effectively manage these vital programs. Many of these programs have yielded enormous benefits to our national defense. Some, like the stealth technology which proved so valuable in the Persian Gulf conflict, have become well known to the public. Other equally effective programs and activities, must remain classified for reasons of national security. Not every classified or compartmented program, however, is a success. Oversight of such programs, both within the Department of Defense, and from the Congress, is crucial to ensuring that such funds are spent effectively and wisely. The well-publicized problems of the terminated A-12 aircraft, for example, include the Department's own self-criticism about deficiencies in monitoring cost growth as a result of limitations imposed by the special access nature of the program.

The classified annexes provide an essential element of the oversight necessary for such programs. As Senator BYRD has noted, we worked carefully with the White House to ensure that the classified annexes accompanied the authorization and appropriation bills that were presented to the President for his signature in order to remove any question as to the relationship of the annexes to the legislation. The President, in his signing statements, suggested that Congress did not intend for the annexes to have the force and effect of law. As Senator BYRD has demonstrated, this is not an accurate reflection of congressional intent, and it is not an accurate statement of the law.

In our letter to the President, we noted our appreciation for the President's statement that the Authorization Act "will provide for a strong national defense." We also emphasized our belief that the bill "provides the basis for improved cooperation between the President and Congress in the interests of national defense." I remain confident that we can continue to work with the executive branch in support of classified and compartmented programs, through the classified annex, in a manner that will enhance our mutual interest in strengthening the common defense.

Mr. INOUYE. Mr. President, I wish to commend the distinguished chairman of the Appropriations Committee, Senator BYRD, for his initiative and leadership concerning the proper regime of oversight over our extensive Intelligence and Special Access programs budgets. This is matter on which we have been working closely together over the last couple of years, and have been evolving a better and more appropriate oversight mechanism.

It has not been very many years since we first attempted to regularize and responsibly oversee and control the budgets and activities that we must, as a nation, engage in under the cover of secrecy and security. These matters, involving the influence, commitments, sometimes the prestige of the United States, and certainly our basic system of security to keep Americans safe from hostile forces are of central importance. America is the last truly world superpower, and to effectively conduct our affairs we must cloak in secrecy vast sums of money and many, many activities, shielding them from the prying eyes of our adversaries. In this process, however, we pay a price, foreclosing debate and wide investigation and analysis even within the body of the Senate. Under such circumstances, the responsibility of the Intelligence and Armed Services Committees and the Defense Subcommittee on Appropriations, which I chair, is heavy. We have to be doubly vigilant and thorough to ensure that the money is spent wisely, with our approval, and that the guidance and directives that we include in our classified products, both in the form of reports and statutory provisions, are clear and are implemented accordingly.

The checks and balances between our branches of Government over policy and spending does not cease simply because those activities happen to be classified. In this situation, however, the Congress is denied its role of reaching decisions on central and contentious issues after open and broad participation in debate. Furthermore, it is more difficult to ensure compliance with the spirit and letter of the law as written when there is no recourse to an open forum. We now have in place an Intelligence Committee, created in

1974, to oversee the National Foreign Intelligence Program, a successful effort in which I was privileged to serve as the first chairman of that committee. Furthermore, since 1988, a new process, being expanded this year, has been in place to oversee the extensive activities of the Department of Defense in special research, procurement, tactical intelligence, and operational programs. Even with this structure in place, as we all learned to our dismay in the context of the Iran-Contra scandal, compliance with the law can be frustrated when the policy disagreements are severe.

I think, on balance we are making good progress toward the establishment of sound and accepted procedures for addressing this problem. I look forward to continuing this effort with the distinguished chairman of the committee, as well as the distinguished chairman of the Armed Services Committee, Senator NUNN, and our Republican counterparts during the current session of the 102d Congress.

EXPLANATION OF ABSENCE

Mr. DOLE. Mr. President, as many Senators know, our colleague, Senator DANFORTH, will be necessarily absent from the Senate in the next few days because of the death of Sally Danforth's father, Mr. Duncan C. Dobson.

The loss of a parent is a difficult matter, and I know that each of us extends our sympathy to Sally Danforth and to other members of the family.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBB). The period for morning business is now closed.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 100, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 100) to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, as an original cosponsor, it is with great pleasure that I speak in support of S. 100, Senator SANFORD's bill to support Central America's program for economic recovery and development. This bill has strong bipartisan support and has the support of the administration. On April 18, the Committee on Foreign Relations favorably reported the bill by a vote of 18–0.

S. 100 recognizes the efforts made by the Central American governments to coordinate economic recovery and development programs after a decade of civil strife and severe economic disruption. It will serve as an important companion to the process begun by the Central American nations in developing plans for peace and democracy as embodied in the products of the important Central American summit meetings such as Esquipulas II, Tesoro Beach, Tela, San Isidro, Montelimar, and Antigua. The bill, in recognition of the linkage between democracy and development, expresses support for Central American efforts to strengthen democratic institutions and expand economic opportunity for all citizens of the region.

In doing such, the bill supports the recommendations of the International Commission for Central American Recovery and Development, the illustrious group of Central America's leading economic authorities, that was initiated by the Senator and which, although he tries to discourage the use of his name, is known throughout Central America as the "Sanford Commission." The report of the Commission is a Central American statement of the ways to approach sustained economic development. Most importantly, it calls for involvement in this effort, not only by the United States, but by the nations of Europe, the Nordic countries, Canada, and Japan.

I should note that many of the recommendations of the Sanford Commission are being implemented by the respective governments of the region as well as in regional fora.

Support of this process is vitally important and passage of S. 100 would place U.S. policy in Central America squarely behind it. I urge my colleagues to give resounding approval to this initiative.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. President, I am very pleased to have S. 100 before the full Senate for consideration today. This statement of U.S. policy toward Central America is the result of great cooperation, analysis and coordination by a remarkably diverse group of individuals and organizations. Central Americans themselves, together with a bipartisan group of international experts spanning a wide range of sectors have all been vital to the development of S. 100. All five current Central American presidents, their predecessors and Ambassadors have been involved. The State Department and the Agency for International Development have also been cooperative partners in the formation of this legislation, and now endorse S. 100.

The 33 cosponsors of S. 100 include a litany of distinguished Senators such as the majority leader, the chairman and 12 members of the Foreign Relations Committee, the chairman and ranking member of the Subcommittee on the Western Hemisphere, the chairman and ranking minority member of the Foreign Operations Subcommittee, the chairman and ranking minority member of the Budget Committee and the chairman and cochair of the Senate Central American Observer Group. This is a broad-based, bipartisan group of Senators who have demonstrated an ongoing interest and proficiency in Central American affairs.

The background and history of this legislation is well-known to many of my colleagues and worth revisiting.

In December 1987, in an attempt to devise sustainable development approaches for Central America, the International Commission for the Recovery and Development of Central America [ICCARD] was formed, consisting of 47 individuals representing 20 countries in Latin America, North America, Europe, and Asia.

As working group sessions addressed different aspects of development, the Commission operated with two fundamental premises. First, the nations of Central America must cooperate to resolve their social, political and economic problems. Second, the Esquipulas accords correctly identified the root causes of the persistent conflicts in Central America. As my colleagues are aware, the Esquipulas accords broke new ground in the peace process in Central America by setting a high, yet reachable goal of regional cooperation.

This unique collaboration of governmental, business, labor, and academic leaders was unified by the hope for peace and stability in our hemisphere. To find quick-fix solutions was not the goal, but rather, the Commission identified long-term strategies that could endure minor setbacks while moving toward realistic development.

The Commission's final report, issued in February 1989, recommended a combination of meeting immediate needs, enacting medium term reforms and projecting long-term goals of infrastructure and investment incentives. Among its recommendations is the responsible strengthening of the private sector in the Central American economies.

While this is not a blueprint for Central American development, it certainly is a guidepost at this critical turning point.

In June 1990, the Central American Presidents held a historic summit in Antigua, Guatemala. Reaffirming the Esquipulas accords the five Presidents agreed to work more closely together to protect human rights, coordinate

economic policies, and ameliorate the social effects of economic adjustments. In the final declaration of the Antigua summit, all five Central American Presidents endorsed the recommendations of ICCARD, which are embodied in S. 100.

On June 27, 1990, President Bush introduced the Enterprise for the Americas Initiative to address trade, investment, and debt in our hemisphere. The ICCARD report also placed a priority on the alleviation of the debt burden, emphasized the need for increased foreign investment in Central America, and advocated the expansion of Caribbean Basin Initiative type trade incentives. S. 100 endorses the goals of the administration's Enterprise for the Americas as well as the Partnership for Peace and Democracy, which recently held its first meeting in Costa Rica.

I welcome the President's invitation to the G–24 nations to become partners in the development effort of Central America. It is necessary to have multinational resources. Multinational resources have an important role to play in recovery. S. 100 is not a plea for additional foreign aid from the United States, but a commitment by the United States to use our influence and support in ways that are beneficial to both parties in the economic development and stability to our hemisphere.

The report also recommended the formation of a coordinating mechanism, called the CADCC, consisting of Central American countries, donor countries, and multinational organizations to foster compliance with regional economic policy, minimize gaps in linked development programs, and encourage the most effective use of foreign assistance. The Central American Development Coordinating Commission [CADCC], has now been put into place at the request of the Central American Presidents. As a forum for the implementation of the most effective development programs, the CADCC will be led by Central Americans with an emphasis on sustainable, humanitarian development. The 1990 foreign operations appropriations bill included funds to assist the implementation of the CADCC. Almost all of the countries have already appointed representatives to serve on the Coordinating Commission.

The Senate Foreign Relations Committee has been actively involved with this legislation during the 4 years since the Commission began its work. Three hearings have been held on this legislation. In May 1989, a hearing was held to recognize the release of the Commission report. The outstanding devotion of the commissioners was lauded and the report was acclaimed for its visionary economic recommendations. Subsequent to the hearing, the committee included a number of provisions of the 1990 foreign aid authorization bill, designed to begin the implementation of the Commission's recommendations. On September 18, 1990, another hearing was held at the request of Senator HELMS at which the State Department and AID officials publicly expressed the administration's support for the provisions of S. 100. The committee unanimously voted to report that formally to the Senate. Due to the overwhelming amount of legislation pending before the Senate at the end of the session, the Senate did not take action on the bill prior to sine die adjournment.

Therefore, at the beginning of the 102d Congress, I reintroduced identical legislation, which is now designated as S. 100. The distinguished chairman of the House Foreign Affairs Committee, DANTE FASCELL, introduced companion legislation, H.R. 554. On April 18, 1991, the Senate Foreign Relations Committee again favorably reported the bill out by a rollcall vote of 18–0.

Mr. President, I remind my colleagues that this bill does not authorize any additional foreign assistance to Central America. Rather, it asserts that U.S. policy toward Central America will take advantage of opportunities to secure a stable and prosperous hemisphere.

Clearly, changes have occurred in the past couple of years around the world that challenge the mind of every analyst and student of international affairs and economics. The trend toward political pluralism across the globe has clearly made its mark in Central America as well.

For the first time, there are five freely elected presidents in Central America, with unifying values, complimentary goals, and a shared vision for development of the region as a whole. They recognize that as each individual nation works for its growth, interdependence as a region will foster sustainable political and economic benefits to Central America.

On February 25, 1990, the Nicaraguan people chose Violeta Chamorro as their new President. International monitors acclaimed the elections as the fulfillment of the Esquipulas and Tesoro Beach accords. President Chamorro has now set about the business of national reconciliation in her fragmented country. As demilitarization progresses, social justice pursued and political factions reconciled, the economic difficulties persist. What was once an obsession for the United States has slipped far down as a national priority eclipsed by events in the Middle East, Eastern Europe, and the Soviet Union. I am convinced that this is further evidence of our need to work together for not only political development, but for economic growth here in our own hemisphere.

Additionally, the past 2 months have brought most encouraging developments in El Salvador. On May 4, 1991, the opening of the National Assembly demonstrated a remarkable and fundamental shift in political plurality in that country. This may be the best opportunity in 11 years to secure a ceasefire in the war that has claimed over 70,000 lives. I am encouraged by the constitutional reforms, and it is important that the United States play a supportive role.

I commend the administration for the obvious evolution of its policy in the wake of the events in Central America. I am encouraged by the extention of partnership to the nations of that region, and I encourage the Congress to commit itself to the same partnership.

As my colleagues know, the fragile democratic institutions in Central America are being challenged by prolonged economic decline, deep social and economic inequities, and a long history of conflict between military and civilian authorities. The greatest risk to the democratic advances that we are witnessing in Central America would be the gradual erosion of the new public confidence in elected governments if they are unable to address the fundamental issues of economic viability and prosperity. Central Americans want prosperity and peace. Our purposes and their purposes coincide and overlap. Their hopes and our needs are rooted in their sustainable economic development based on a foundation of political democracy in a climate of peace and justice. The role of the United States is, succinctly, to assist not to intervene, to encourage not to impose.

All the countries of the Americas, individually and in cooperation, must establish sustainable economic programs that will renew investment, improve productivity, alleviate the debt burden, and create employment to adjust the inequities that persist in that region. This is a historic opportunity for the United States to assist Central America as it confronts the poverty and turmoil that undermines our hemispheric stability and growth.

I wish to thank the hundreds of people who have so exhaustively worked to bring this initiative to the Senate floor, but there are a few outstanding individuals that deserve more recognition than I could give them here today.

The Commissioners of the International Commission for Central American Recovery and Development who distinguished themselves as the foremost compilation of experts in the field and who worked tirelessly to bring the Commission's work to fruition.

I also wish to thank the five Central American Presidents, their predecessors, and Ambassadors for their insight and cooperation.

So, finally, to my colleagues in the Senate, I hope that they will join me, the 33 cosponsors of S. 100, the State Department, AID, and the five Central

American Presidents and Ambassadors in support of this timely legislation as written, to help assure the solid future of Central America and the stability of our hemisphere.

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

Mr. SANFORD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by William Green, a report by William Ascher, and a statement by William Ascher, all relative to S. 100.

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

STATEMENT BY WILLIAM GREEN

The fundamental idea behind the International Commission for Central American Recovery and Development originated in Central America.

For a decade, the region had been torn by violence. Given the area's historic affinity for military upheaval, violence was not especially strange to the twenty-six million inhabitants. But this time, there was a difference. This time the conflict was an outpost of the Cold War between great powers.

On one side, the Sandanistas were encouraged and supplied by Eastern bloc countries and Cuba. On the other, the Contras were the surrogates of the United States. The combatants were Nicaraguan but their fighting engaged the resources and the foreign policies of the five countries between Mexico and Panama. Indeed, even those two nations were heavily affected.

The devastation of pitched and guerilla battles and the distraction of political intrigue took their costly toll among economies that were already depleted by foreign debt and inadequate development. No end to the conflict was in sight.

Oscar Arias, then President of Costa Rica, saw no military resolution in the near term and, with the imagination that was later to win him the Nobel Prize for Peace, proposed that the Central American nations themselves develop a plan to end the war. "Give peace a chance," was his appeal to the United States Congress.

The suggestion was historic and dramatic. The Central American nations had for too long looked outside, primarily to the United States, for foreign policy strategies. The Arias plan essentially relied on the local governments to take their own initiative.

To Senator Terry Sanford of the Foreign Relations Committee the Arias plan was stirring, original and timely but for peace to succeed, there had to be follow-on economic planning. Peace, if it was to come about, required reinforcement by appropriate development.

Development, to be in touch with reality, had to be focused on the unique needs of the Central American region. Like the peace plan itself, economic strategy should be designated by Central Americans.

Senator Sanford visited President Arias and the presidents of the other four neighboring countries. He was encouraged by their response, and the Commission evolved.

Advice on Commission membership was sought from regional experts, foreign policy veterans, economic development councils, governments, and university campuses. There were two fundamental requirements: membership was to be dominated by Central Americans where talent and regional knowledge was richly available, and no member was to hold a position in a sitting government. The Commission was to have all possible autonomy so that its judgments and recommendations would have sound economic planning as their sole imperative.

To a large extent, the criteria for membership held up. Regional and other governments were consulted to verify the authority of potential members but they were not asked to nominate or confirm Commissioners.

Arthur Levitt, then Chairman of the American Stock Exchange, and Sonia Picado, Executive Director of the Inter-American Institute of Human Rights, agreed to co-chair the Commission. Both brought extraordinary, irreplaceable skills and dedication to an unprecedented effort. The United States had attempted a series of development plans for the region through the decades. Other countries had created plans of their own on a smaller scale, but none had relied as fully on distinguished Central American leadership.

For research and administrative support, Duke University's Public Policy Institute was enlisted. Its responsibility was complex and its performance was splendid.

Another fundamental concept was that no governmental funds were to be sought or accepted. Foundation support was another means of granting the Commission independence. Foundations responded generously. Grants were received from the Arca, Mary Reynolds Babcock, Ford, Carnegie, McArthur, and Rockefeller foundations.

The key to a successful economic plan was to link Central American realities with world-wide experience. Members of great distinction, experience and vision, were recruited from Europe, America and Asia. The commissioners represented a wide scope of fields: business leaders, university specialists, regional authorities, and experienced governmental executives. Each brought his or her own network of consultants.

The work was divided into six categories and a committee was assigned to each. A Central American chaired each committee. Committees met on their own schedules and plenary sessions were held in Washington, San Jose, and Stockholm.

After two years of meticulous research and consultation, the Commission's Report was published. It required no additional funding from international sources than was flowing into Central America at the time of its publication. The Report remains the strongest statement of regional needs, experience, aspirations, and cooperation. It is a blueprint that, if followed, could bring Central America into peaceful, prosperous and democratic participation with its fellow nations.

RECONCILING GROWTH AND EQUITY IN CENTRAL AMERICA: THE DEVELOPMENT MODEL OF THE INTERNATIONAL COMMISSION FOR CENTRAL AMERICA

(By Prof. William Ascher)

Central America may soon emerge from the wars and political chaos that have plagued the region for the past decade. If so, economic recovery and sustained, equitable development are critical requirements for any stable future. No matter whether the political instability and armed conflict is blamed on Communists, world capitalism or domestic injustice, the current economic stagnation and the precariousness of many segments of the Central American population present serious obstacles to regional peace and stability. It is fair to conclude that economic prosperity with equity for Central America is both beneficial in its own right and essential for peace. This is easier said than done. The requirements are recovery plus greater economic justice plus sustained development plus broader political participation. The absence of any one of these elements could easily trigger another round of civil wars and brutality.

Can these societies enjoy "growth with equity"—distributive justice and economic efficiency—on a sustained basis? Often, efficiency and equity are posed as opposites or trade-offs. This view rests on the assumption that the state interventions designed to help the poor (e.g., minimum wages, subsidized loans, make-work jobs) detract from an economy's capacity to respond efficiently to market forces. Similarly, it is often assumed that the wealthy can better afford to save, and that these savings go into productive investment. Finally, many people presume that resources devoted to helping the poor are being diverted away from building the nation's productive capacity.

The International Commission for Central America, with the technical support of our Center for International Development Research, has pondered these arguments, and has decided that for Central America, at least, they do not apply. Central America can have "growth with equity", though it will not be easy. The Commission has established a bold "development strategy that focuses on greater overall economic efficiency and revitalizing the most dynamic source of potential growth—Central America's exports—in order to finance the best long-term approach to making the poor more productive: human resource development.

Where do the assumptions underlying the growth vs. equity trade-off go awry? First, while it may be true that tinkering with the economy in order to subsidize the poor would detract from market efficiency, most of the distortions in Central American economies represent embedded privileges for the rich, not the poor. Therefore the movement toward greater efficiency—by dismantling the rules and programs that distort the economy in order to benefit the rich can redress inequality as well.

Second, although rich people may be more capable of saving and investing, they may very well not do so in their own domestic economies. Capital flight out of Central America is due not only to fear of instability, but also to the lack of attractive investment opportunities, which in turn rests on the small size of consumer markets where large segments of the population are too poor to purchase much beyond the bare necessities. In other words, in the long run the poverty of millions of Central Americans—currently forty per cent cannot even afford their basic food needs—is as much an impediment to growth as is the lack of investment capital.

Third, the idea that providing benefits for the poor detracts from economic productivity is a very short-sighted view. Development economics increasingly recognizes the importance of "human capital" as an essential component of economic growth. Healthier, better educated workers are more productive. Education and health are also correlated with lower birthrates and therefore could reduce the population pressures that hamper efforts to improve the well-being of each Central American. Therefore, if the benefits going to the poor come through improved education, medical care, nutrition, sanitation, family planning, housing and community services, then productive capacity can be improved rather than sacrificed for greater equity.

Nonetheless, an existing "motor of growth" must be triggered now for economic

recovery and development to get started. Poverty alleviation and greater economic justice are the destinations, but a path for arriving there must be found. Except in the most drastic revolutionary circumstances, redistribution does not occur without a growing economy.

Particularly for small economies, the best prospect for growth is in the promotion of exports, both the traditional exports like coffee, sugar and bananas and the non-traditional exports like flowers and light manufactured items. Of course, this requires that Central America's trading partners, including the United States, open their markets to Central American exports.

However, the export-promotion strategy has long been has criticized by the left as an inequitable approach to economic growth. If the wealthy economic groups that engage in the export activities are capable of capturing and retaining the lion's share of the export earnings, then why should such activities be promoted? Two points must be clarified. First, "export promotion" does not require subsidizing the groups engaged in export industries. Currently, export production in Central America is actively discouraged by economic policies. Exports are disadvantaged by specific taxes, currency exchange controls, and tariffs against goods from other countries. Thus once again the improvement in economic policy can be secured by removing existing distortions in the economy—which are not currently benefiting the poor. Second, the wealth coming from exportation can be channeled into human resource development without discouraging export production, as long as exportation is not taxed more heavily than other potential sources of income.

This leads to what may seem an obvious—but also ominous—point. To link the export promotion strategy with the human resource development strategy requires tax reform, so that at least a moderate amount of the surplus generated from revitalized activities (such as exportation and production for the domestic and regional markets) can be directed, via the governments, to the poor. With the partial exception of Costa Rica, the tax systems of Central America are woefully inadequate. On the one hand, too few people are subject to the existing income taxes; on the other hand, there is rampant evasion by high-income families and businesses. Efforts at tax reform have often provoked literally violent reactions.

The rechanneling of hard-earned profits from exportation and domestic recovery to human resource development must be deliberate and gradual. The economies must not be starved for investment or vulnerable to more capital flight. Tax reform, as essential as it is, must leave some incentives for businesses to invest. Redistribution during depressions or even fragile recoveries is politically and economically infeasible. For now, Central America's domestic policies will have to focus on tighter "targeting" of human-resource investments for the poor, and greater efficiency in providing these services, until stronger Central American economies can produce significant surpluses.

Clearly, this requires patience, a commodity in understandably short supply in Central America. Only the support of the international community can hasten the implementation of a human resource strategy. This can be done in several ways. First, foreign assistance can focus directly on providing the social services that promote human resource development, particularly for the more than one million refugees and internally displaced persons who will require repatriation or resettlement once peace is restored. Without such help, Central America will be in grave jeopardy of losing an entire generation to illiteracy and debilitating disease. The collapse of the health and education facilities, particularly in Nicaragua and El Salvador, is extremely alarming.

Second, the governments and international organizations that provide aid, loans, and trade concessions can condition these benefits on whether Central American governments adopt policy reforms to make their economic (and political systems) more equitable. To some, this may sound like economic imperialism. However, in signing the Esquipulas Pease Accords in 1987, the Central American presidents committed all five governments to the pursuit of peace, democracy and equitable development. Therefore, when the International Commission for Central America, with twenty of its forty-seven members from Central America, calls upon the international community to apply progress toward meeting these objectives as the criteria for such conditionally, it is reinforcing the values expressed by the Central Americans themselves, and holding the five governments to their own commitment.

Third, the international community must recognize that at least one component of the economic decline in Central America has been presence of extra-regional military forces and the emphasis on military instead of negotiated solutions. The volume of financial resources going into Central America currently is quite substantial—over $1.5 billion annually. The problem is that much of it is channeled into military efforts, and even the resources going into constructive pursuits are far less effective in countries where war or the fear of war hampers reconstruction. The international community should support Central America in finding its own solutions.

SUMMARY OF WORK OF ICCARD

(By Prof. William Ascher)

The International Commission for Central American Recovery and Development was formed in 1987 to draft a comprehensive plan for the economic and social development of the five Central American republics—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. The premise was that in helping the Central American nations achieve their desire for equitable and sustained economic development, the Commission's plan would contribute to the process of democratization and peace. With forty-seven members from twenty countries in Latin America, North America, Europe and Japan, the Commission provided a forum for collaboration between Central Americans and the international community, whose assistance is a prerequisite for economic recovery and development. The political diversity of the Central American members of the Commission demonstrated the Commission's firmly-held belief that lasting development must rest on a stable social consensus. The independent status of the Commission—with now seated government officials from Central America or the United States—permitted the Commission to take strong positions on controversial political and economic issues.

The Commission, led by Costa Rican co-chair Sonia Picado (director of the Inter-American Institute of Human Rights) and Arthur Levitt Jr. (then chair of the American Stock Exchange), first met in San Jose, Costa Rica in December 1987. The Commissioners approved the formation of a Study Task Force, coordinated by Duke University's Center for International Development Research, to undertake numerous background studies of Central America's economic, political and social problems. The Commissioners themselves formed working committees to examine the challenges of formulating an immediate action plan for refugees and displaced persons; reforming Central American economic and social policies for sustainable, equitable development; fostering democracy; revitalizing regional integration on an efficient basis; and strengthening the contributions of the international community to Central America's recovery. These working committees, each headed by a Central American and a non-Central American, developed plans that were integrated into the Commission's Final Report that was unveiled in Guatemala City in February 1989.[1] Following this meeting, national-level commissions were established within the Central American republics, led by the Commissioners from each country. These national commissions have contributed to the reconciliation dialogues in El Salvador and Nicaragua.

The Commission's Report was endorsed by the Central American presidents at their summit meeting at Tesoro Beach, El Salvador in February 1989. The Commission Report and some of the background studies contributed to the formulation of the Central American presidents' Joint Economic Plan of Action for Central America, signed at the presidental summit meeting in Antigua, Guatemala in June 1990. The Commission's Report was also endorsed by the governments of the Federal Republic of Germany, Spain and Sweden. In the United States, the report has been a significant input into the formulation of the Central American program of the U.S. Agency for International Development. Several legislation initiatives based on the Commission's recommendation have also been launched.

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

Mr. BUMPERS. Mr. President, what is the preliminary situation?

The PRESIDING OFFICER. The Senate is considering S. 100.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes on an unrelated subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THIRD WORLD ARMS SALES

Mr. BUMPERS. Mr. President, I was not familiar before this morning, and I am still not totally familiar, with the proposal on which Senator BIDEN and Senator KASSEBAUM spoke and they are introducing today dealing with Third World arms sales. But it is a subject on which I have spent a great deal of my Senate career.

I have never understood this Nation's policy of arms transfers to just every Tom, Dick, and Harry who happens to

[1]The Commission's Report and the background studies were published by Duke University Press (*Poverty, Conflict and Hope: A Turning Point in Central America* and *Central American Recovery and Development*). They are available from Duke University Press, 6697 College Station, Durham, NC 27708.

be willing to starve his people to buy them. There are Third World nations that spend two-thirds of their total income on weapons, nations where people are starving, and in most instances those nations have virtually no ability to defend themselves anyway.

I remember being in Iran the first or second year I came to the Senate, 1975–76, in that timeframe, and the Iranian Army generals happily showing off all these air bases. At that time they had already bought something like 75 F–14's, still one of our most sophisticated fighter planes.

In 1972, or thereabouts, Richard Nixon, told the Shah of Iran, whom he considered to be our benefactor in that area and the protector of our interests in the area, and whom we considered to be a steady and reliable ally if push came to shove—he had apparently just opened the books to the Shah and said, "Take what you want."

The Shah of Iran, rather rich in oil riches at that time, said, "I want it all, and I'll start with the F–14's." Nobody ever dreamed that a few short years later the Shah would not be around anymore, and he would be replaced in a revolution, religious in nature, which considered the United States to be Satan incarnate. So here is Iran, that we thought was going to be our ally in the area, instead being an archenemy, which they essentially remain until this day.

Iraq, our latest Satan: We did not sell Iraq an awful lot of weapons, but we gave them, obviously, a lot of intelligence during the Iraqi-Iranian war. We sold them something like $1.5 billion in technology advice and assistance. And other nations had been supplying them chemical weapons.

I understood that the Germans, who had been kind enough to equip Qadhafi with a chemical weapons complex, had also assisted in the building of Saddam's chemical weapons complexes.

The Italians had accommodated him with mines, as had other nations. The French had provided him with their very best Mirage fighter planes. Actually, of the 750 airplanes Saddam had, virtually all of them were Mig's bought from the Soviet Union, except 75 firstline Mirage fighters.

The Chinese, to whom we extend most-favored-nation treatment, despite their obvious abuses of human rights, their abuses of their people, had supplied Saddam with the Silkworm missile, a cruise missile.

I do not know what other countries had supplied him with weapons. Obviously, most of his arsenal came from the Soviet Union. But other countries were right in there pitching away. Then Kuwait, our friend, we had sold Kuwait 300 Hawk antiaircraft missiles, among the most sophisticated antiaircraft weapons in the world. So what do you think the first thing Saddam lays his hands on when he invades Kuwait? You guessed it—300 good old U.S.A.-made Hawk missiles and the radars to go with them. And what happens? We also sold a large number of Hawk missiles to our very good friend, King Hussein of Jordan, another steady, reliable ally in the region, whom we always assumed would be on our side when push came to shove. So what happened? When Saddam captured our 300 Hawk missiles and their radars in Kuwait, he did not know what to do with them; so King Hussein, our steady ally in the region, rushes his crews from his Hawk batteries to Iraq to try to teach Saddam's air force how to use the Hawk missile.

Mr. President, I must confess that I do not know what happened to those 300 Hawk missiles. My guess is that they are still firmly hidden and in Saddam's hands. Last December, I went to the United Nations—I must confess I had never spent any time there, but I had always been interested with it—and I spent all day there. It was a very healthy experience. There were about three Senators there, and we had lunch with the five Ambassadors of the five permanent Security Council members: China, the Soviet Union, France, Britain, and the United States.

The only contribution I made during the discussion at lunch was to say to them that when the war was over—and it looked at that time for all the world that we certainly were going to war with Iraq—the greatest contribution you and the other people of the United Nations can make is to convene all of the arms-exporting nations and talk about reaching some sort of a treaty to limit and, hopefully, stop this unbelievable transfer of arms all over the world.

There are people in this body, principally the Senator from Ohio [Mr. GLENN], who have tried for years to stop selling enriched uranium to Pakistan, because everybody knew Pakistan was engaged in building nuclear weapons. And now the Chinese are compounding that problem by selling Pakistan ballistic missiles. Anybody that does not think—considering the hostilities between India and Pakistan—that that is not a prescription for disaster is just not being thoughtful about it.

Then Czechoslovakia, who has been a big arms exporter in the past under Communist regimes, and our new hero, Vaclav Havel, comes in and says, unless somebody gives us some assistance, we are going to have to continue selling—I guess it is tanks and planes; I think tanks—to some of these countries in the Middle East. We do not want to do it, but we have 80,000 people engaged in our defense industry in Slovakia, which is one of the two provinces in Czechoslovakia.

Well, Mr. President, this Nation is suffering from a $371 billion deficit just this year. I might point out for the Members of this body who have not given it much thought—and this has a politically partisan bent to it—that the $371 billion deficit this country will sustain this year is over twice as much as the entire 4-year deficit of Jimmy Carter while he was President. And nobody seems to really care much about it. I do not want to get off on the deficits, but the point is, we are not in a position to help Vaclav Havel employ 80,000 people that he would have to fire, if they refused to honor the contracts, or if they refused to honor the contracts, or if they stopped exporting weapons. Czechoslovakia has been a notorious exporter of these weapons.

Mr. President, I do not have a lot more to say about this, except I applaud what I am afraid is something of a modest effort on the part of Senators BIDEN and KASSEBAUM. I think I am going to cosponsor that. I want to study it and look at their statements carefully. But I am telling this body that, in my opinion, the times call for Draconian action on arms sales. Why on Earth would we be selling Bahrain Stinger missiles? If Saddam, in addition to Kuwait, for example, had decided to take on Bahrain's 750,000 people, you tell me who they are going to defend themselves against. For that matter, tell me who Kuwait is going to defend themselves against. These countries, such as Bahrain and Kuwait, do not have a prayer; they do not have a prayer against Saudi Arabia, Egypt, Syria, or even against Jordan. But we sold Stinger missiles to Bahrain, and if Saddam had invaded Bahrain, he would have inherited that very sophisticated shoulder-fired, antiaircraft missile that we sold them, and there would be a lot more American flyers dead today as a result.

Then the President wants to cap off this war in the Persian Gulf by selling the Saudis $20 billion worth of new, sophisticated American technology. I am not saying that the Saudis have not been stalwarts in this; they have. They owe us a debt of gratitude, and we owe them a debt of gratitude. But I am not going to be for any such sale as that to Saudi Arabia. I can tell you that right now. These arms sales oftentimes are nothing but ego kicks for tinhorn dictators. Almost invariably—and particularly considering the volatility of that region—we wind up just as we did in this war, with our own weapons being used against us. Our weapons always last longer than our friendships do.

There is China—and what is more, as I alluded to a moment ago, one of the grossest abusers of human rights on Earth—enjoying most-favored-nation treatment with the United States. We have not even accorded that to the Soviet Union, despite all the new democratic initiatives that have been taken in that country. And the Soviet Union

is still, to some extent, not nearly as bad as in the past, but still an abuser of human rights.

But China had sold Saddam the Silkworm. I do not know whether any were fired or not—maybe one or two. It is a pretty sophisticated weapon. When you consider the number of countries that are busily engaged right now doing their dead level best to develop a nuclear device and a nuclear capability, and you have countries like China selling the Silkworm to whoever wants it, it is just sheer madness.

The only reason I might not cosponsor the Biden-Kassebaum initiative is because it is not strong enough and does not go far enough.

Finally, Mr. President, I am always offended when somebody says think how many jobs this arms sale creates, No. 1, and No. 2, if we do not sell them, somebody else will and therefore we will not get the economic benefit. I have always had two thoughts about that. No. 1, let them; let somebody else sell them. First of all, we are the ones who generally have the best weapons, as has been demonstrated in the war, we have the military technology. We are insane to ask the American taxpayers to spend billions and billions of dollars of this technology and then turn right around and give it to every tinhorn dictator who has the money to buy it.

The second thought I have about that, Mr. President, is that if this President wants to go down in history I will give him a suggestion on how to do it. It is very simply to make a very dramatic and bold move in recognition of the times which call for boldness, and to convene all the arms manufacturing and exporting nations in the world and say, "We have to stop this madness."

Mr. President, I yield the floor.

Mr. SANFORD. 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. ROBB. 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.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. ROBB. Mr. President, I am pleased to join my good friend and colleague from North Carolina in urging the Senate to endorse this statement of purpose about the economic future of Central America.

I share with my colleagues my commendation for my friend from North Carolina, who has led the charge to translate the accomplishments of the International Commission for Central American development and recovery in 1989 into effective legislation. I certainly commend him for his effort.

Mr. President, I do not believe anyone in this body would disagree with the contention that the countries of Central America have endured difficult political and economic times in the last decade. We can take heart, though, that essentially free and fair elections in Panama, Nicaragua, and just recently in El Salvador, indicate that we have turned the corner in Central America. Democracy is taking root and the United States has played a role in its foundation.

The United States can also play a role in promoting economic prosperity in the region. I think S. 100 is a good starting point to help shape U.S. policy in this regard. The legislation does not call for massive infusion, to develop assistance to the Central American nations. In fact, it will not cost the U.S. taxpayers a single penny. The bill simply links democracy and economic development and sketches a broad plan to allow the countries of the region to independently renew their moribund economies.

Additionally, the measure declares that U.S. policy should encourage multilateral aid initiatives to help foster the development of strong economic infrastructures in each country in Central America. It urges that we support the U.N. in its efforts to reintegrate displaced people and refugees, help create a more effective delivery system for food supplies, as well as establish health facilities for the poor and to promote general economic growth through the expansion of exports, and strengthening of investment opportunities.

Mr. President, I wish to emphasize the multilateral nature of this undertaking. Not only does the legislation rightly solicit assistance from Japan, the Western European nations, Canada and others, it outlines a plan donor nations can follow in order to gain the most effective return for the money they contribute.

Yesterday, I had the opportunity to discuss with the Ambassador from El Salvador and other Central American ambassadors, some of the difficult issues facing that small but troubled country and the region. El Salvador's problems are not all behind it by any means and the United States role from time to time admittedly has been controversial. Nonetheless, I told Ambassador Salaverria I have high hopes for the agreement that was reached in Mexico City between the Cristiani government and FMLN and that continuing the dialog with the rebels will lead to the permanent cease-fire we have been seeking for so long now.

Mr. President, section 3 of the legislation states that it should be "the policy of the United States to support and encourge dialog as the proper means of resolving armed conflicts in Central America."

Opening the lines of communication, whether it be between the Cristiani government and the rebels, or President Chamorro and the Sandinistas, or President Endara and the remaining loyalists to Noriega, is not simply the best policy, it is the right policy.

Mr. President, if I may quote you, in your capacity as the Senator from North Carolina just a few moments ago, in Central America the role of the United States is succinctly to assist, not to intervene; to encourage, not to impose.

This legislation accomplishes this and I certainly hope that other Members of the Senate will agree.

Mr. President, I thank you for giving me an opportunity to take the floor and relieving me of the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to support S. 100, the Central American Democracy and Development Act. I do so very enthusiastically. This bill is a blueprint for peace and stability in a region historically rocked by violence, instability and poverty.

S. 100 mandates no new appropriations and will not cost the American taxpayer additional money. This legislation does, however, articulate a long-term policy and set goals for the United States that, if implemented, can help revitalize a region that is geographically very close to our borders and very important to our interests.

(Mr. ROBB assumed the chair.)

Mr. LUGAR. The bill is supported by the Bush administration, by all five Central American Presidents and cosponsored by fully one-third of the Senate, a strong bipartisan backing. The intellectual origins of the bill come from more than 2 years of deliberation by the International Commission on Central American Recovery and Development. This commission was composed of Central Americans in partnership with individuals from strongly supporting countries, having as their goal the development of a policy framework that can help move the region out of poverty and into sustainable development and democracy.

The commission's work builds upon the belief that cooperation among the Central American countries is needed to address the region's overlapping social, political, economic and security problems. It endorses the view of the Central American Presidents at Esquipulas that positive changes are only possible if peace, stability, economic growth, and cooperation exist in the region.

Now, we are at the stage where the products of this thinking can be included in the policy direction of the

United States. It is a worthy set of goals and objectives that our country should endorse and support.

Mr. President, we have a tendency in the United States to jump from one crisis to another, to leap from one flash point to another, and to quickly shift our priorities as one issue recedes in the face of another. Perhaps, that is the burden of a powerful country with many interests. But it need not be that way. For at least the last decade, we have been deeply involved in Central America and the Caribbean in efforts to fend off one disaster after another. We need to stay engaged with our friends in the region to help finish the job of reconciliation, economic growth, and democratization.

Some of these regional disasters were from natural causes: earthquakes, hurricanes, floods and others, but most were manmade. Political instability, internal wars, chronic poverty, poor infrastructure, maldistribution of resources, restrictive import, investment and tax policies, authoritarian governments and nondemocratic institutions each dotted the landscape of Central America, and each exacted a high toll with harsh results from the peoples of the region.

Fortunately, most of the region's problems are beginning a slow but steady process of improvement. Now is the time to focus on the hard work of building free and prosperous countries. Now, is not the time to turn our back on the region. Now is the time to pay attention to the region. We ought not squander the unique opportunity to build upon the end of regional conflicts and the shift toward democracy and market economics.

Each country in the region has a democratically elected government with broadened legitimacy. With the exception of El Salvador, there is peace in the region and there is renewed hope that a peace settlement is now possible in El Salvador. Economic reforms are underway. The private sector is expanding and must be strengthened if the economies can move forward. There are human rights abuses—far too many—but that situation is also improving. Civilian institutions must be strengthened and become more democratic and responsive to popular needs.

Economic growth, for the first time, has some reasonable basis of continuing. Each of the political, economic, social and security changes are slowly evolving but are still embryonic. They will not continue to improve unless the economies of the region grow. Democracy will not have a chance to mature in many countries unless economies expand and, unless the economies expand, democracy will have much less chance to sink its benign roots into the political culture of the region. In the absence of economic growth and democracy, the people of this region have little hope for a better life.

The region's stability is fragile. The positive political and economic changes occurring there are fragile and perishable. Our attention and caring should not be transitory and indifferent. Passing this bill with an overwhelming vote will mean that we care and that we have a continuing interest and stake in the region.

The philosophy in S. 100 contains elements similar to President Bush's Enterprise for the Americas Initiative which I support enthusiastically. Each bill embraces the need for more investments, more free trade, debt adjustment, and reform in Latin America. This legislation calls upon other countries to join in a multilateral initiative to provide additional resources for development. It requires reform of the economic and political systems to help make the investment, trade and debt provisions possible and effective.

Mr. President, this is far sighted and worthy legislation with worthy objectives based upon strong rationale. I hope that members of the Senate will give it their strong support.

I thank the Chair.

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

The PRESIDING OFFICER (Mr. KERRY). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. SANFORD assumed the chair.)

Mr. KERRY. 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. KERRY. Mr. President, I thank the distinguished chair for being willing to take my place in the chair for a few moments so that I might have the opportunity to speak on S. 100. I thank him for that opportunity.

But, more important, I thank the distinguished Senator from North Carolina for his work in this area which, ever since he has come to the Senate, has been a work of deep-rooted concern, compassion, and I think, most importantly, is representative of a singular understanding of the needs of the region and of the importance of the United States taking a different approach to that region.

As the distinguished Senator from North Carolina recalls, and as we all in this Senate know too well, too much of the energy of the Senate in the last years was consumed by sometimes rancorous and often divisive debates over the issue of military involvement in the region.

Too much of our effort in that region, I think, has been spent teaching people how to kill each other rather than teaching people how to live with each other, and how to perhaps develop community and a society that has the opportunity to share in a lot of the assets and benefits of capitalism and of the North American continent.

The leadership of the distinguished chairman has been really most important in getting us to this point. This is an important piece of legislation. It gives us an opportunity to guarantee that the recommendations of the International Commission for Central American Recovery and Development, which the distinguished Senator fought so hard to elicit, are not going to go unheeded.

This particular piece of legislation has broad bipartisan support, representative of the effort that has gone into it. There are 33 Members of this body who are now cosponsors of it. I am proud to be one of those. It is backed by the State Department. It is backed by AID. And most important, it has the solid support of all five Central American leaders.

Mr. President, we hear a great deal of talk these days about a new world order. I personally believe that the concept of a new world order is a welcome one, but I think it need a lot of fleshing out, a lot of definition that has not yet been given to it.

Frankly, I see S. 100 as a significant—although regional, nevertheless significant—attempt to put the United States on record as defining what a new world order might be, at least in Central America.

For over a decade, we have been consumed by the effort, as I mentioned earlier, to put guns and bullets, military advisers, and even surreptitious armed forces and secret supply systems in the region. All of this helped, I think, to create greater instability, certainly greater suffering, and very, very significantly, huge dislocation of the population of that region.

Taking advantage of the tremendous changes that have occurred in Central America over the last 2 years, this legislation places the focus of our policy where it ought to be: on building the social and economic foundation that is the absolute prerequisite to any kind of long-term stability in the region.

One of the most immediate needs is to begin dealing with the refugee and the displaced persons problems that have come about precisely as a result of the civil conflict and economic decline in the region, which have come about, partly as a consequence of our policies up until this point in time.

All we have to do is look at what has occurred in the wake of the Persian Gulf war to see the necessity of addressing this kind of concern. I think the bill of the distinguished Senator from North Carolina is correct to establish as a priority a policy that we will support, participate in, and contribute to the United Nations Development Program's plan for the reintegration of the displaced persons and refugee population, for the creation of employment opportunities for

those people, and for the establishment of a system that will ensure adequate food and health facilities for the poor.

This legislation also recognizes that long-term stability in the region will not be achieved without international economic support for the recovery and development that is so necessary. Particularly given the increasing interdependence among nations, it is in the interest of the United States and other developed countries to join in providing that kind of support.

This bill commits the United States to assist in implementing the recommendations of the International Commission on Central American Recovery and Development.

In addition, it states that the United States should continue to play a leading role in multilateral and regional forums, as well as economic summits, and that by doing so we will encourage and secure greater international support for economic assistance to the region. That makes sense, and it is long overdue.

On a bilateral level, S. 100 establishes President Bush's proposed Enterprise for the Americas initiative as U.S. policy. That is wise and sensible. That initiative can play a vital role in promoting economic growth through trade, through investment, and through debt relief.

Perhaps the most fundamental aspect of this legislation, though, is the recognition that solutions to the problems of Central America cannot be just picked up and plunked down by the United States. They cannot be decided upon or simply imposed by Europe, the United States, or other nations. They must come from inside the region itself.

For too long, other countries, particularly our own country, have tried to simply impose our will on Central America, with little regard for the wishes of the governments there. Sometimes that effort has, frankly, undertaken a kind of brutal approach.

I can remember when I was in Costa Rica, meeting with President Oscar Arias during the time that the effort was being made to secure elections in Nicaragua. And because of President Arias' own efforts to create a peace plan, he was suffering from some fairly hardnosed retribution by the United States with respect to the AID Program. Because a Central American President dared to exert a certain amount of independence based on his own perception of the needs of his region, we did not hesitate to turn around, turn the vise, and tighten the screws with respect to IMF, World Bank, and other aid programs.

And so, indeed, countless citizens in his country suffered, and our relations suffered because we, out of arrogance, reacted adversely to the notion that we could not impose our will.

This piece of legislation attempts, I think, to redress that kind of insult and injury. It suggests that a central premise of the International Commission's recommendations and this bill is that it is up to the nations of the region to direct their own economic and human resources and up to them to build the institutions necessary for achieving peace and prosperity.

What they need from the outside is not inappropriate pressure, but rather true help in building these institutions. It has been my experience in the brief time that I have served in the Senate, but in the, perhaps, longer time that I have had exposure to other countries and to different attitudes in the world, that we are much stronger for that kind of cooperative effort than we are for the sledgehammer approach.

The more we can build a mutual respect and a mutuality of approach, the sooner we will see the interests of this country served, and the sooner we will see a strengthening of the very kinds of institutions that we profess to care so much about.

Mr. President, in closing let me say that the potential for sustained democracy and development in Central America has never been greater than it is at this particular moment. At the same time, though, the challenges that confront the governments of that region are also probably as large as they have ever been. It would be both tragic and unwise if we did not help those governments to meet those challenges.

Senate bill 100, the legislation of the Senator from North Carolina, is visionary legislation. It is not the kind of legislation we often get an opportunity to vote on here, but it has a vision of how a foreign policy ought to be implemented, of how an aid program can best be carried out. It has a vision about the real relationships that build a new order, and it has a vision about how people ought to be treated appropriately.

So, Mr. President, I am pleased to be supportive of it. I think it is a wise policy, a policy that will allow the United States to assist in establishing a new world order in Central America, one that is based on democracy and based on the economic conditions that are absolutely essential to sustaining democracy. I urge my colleagues to support this bill.

MIA–POW

Mr. KERRY. I beg the indulgence of the Chair for just a couple of moments to make a comment with respect to a journey that I made last week to Vietnam and to Cambodia. I want to address one aspect of it. I intend to speak at length sometime shortly with respect to the region and the peace process, and the PERM 5 effort to bring peace to Cambodia.

One of the principal reasons that I went to Vietnam was to try to sort out the MIA–POW issue, which is an issue that continues to haunt the United States of America. There is not a fire station or a police station or a State capitol or a public building in America, including our own Capitol with the rotunda just down the hall, where you cannot find the black POW–MIA flag that flies.

This is an issue that in the early 1980's was reinserted into the consciousness of Americans. The National League of Families lists some 2,274 individuals as still missing in action from the Vietnam war. It is an appropriately felt issue because, if there is a possibility that any American soldier might somehow still be alive and unaccounted for, there is not a person in this country who does not believe we still have a mission, and that mission is to have a full accounting.

But there must be an appropriate effort to get that full accounting, and there must be an appropriate standard by which we measure whether or not we are in fact getting it. For better or worse, the issue of MIA–POW has been made a condition influencing our ability to move toward a different relationship with Vietnam. It is clearly an issue of significant enough moral compulsion that we must resolve it in order to move forward in that relationship.

Mr. President, it has been 20 years or more in many of these MIA cases. If, indeed, politicians are serious—and I take it at face value they are—that there may be somebody missing and we need an accounting; if, indeed, people are not just using an issue—and I take it that they are not when even in 1990 you go to a ceremony and the full list of those missing is read out loud—if all of this is real—and I take it at face value that it is because of the importance of the issue—then, Mr. President, it is the first priority of this Nation to get that accounting as soon as possible. If it is not real, then it should not be put up as a barrier or an impediment to the change of relations and to the process of putting this war behind us.

All of us have accepted that it is real. I believe there is a possibility—who knows how outrageous—that some person who was lost on the Laotian border or the Cambodian border fell into the hands of the people outside the Government. We do not have an answer yet, and we are owed an answer, Mr. President. We are owed an answer.

Three weeks ago I came out of a town meeting in Massachusetts and there waiting for me was a family who for the third time in about 2 months had approached me because they had been told by someone in this country on several occasions that their son, who was lost in 1978, is still alive and had been sighted as recently as 3 weeks ago. All you have to do is look into the eyes of

the family that 20 years later is being told that their loved one is still alive and has been sighted to understand the anxiety that still exists at large in this country. We have to do something about it.

Mr. President, when I went to Vietnam, I met with—and to my surprise became the first American official to meet with—the General Secretary of the party in Vietnam, Nguyen van Linh, and I met with Foreign Minister Thach—as General Vessey and others have—and tried to elicit, as Senator MCCAIN has, a sense of how we can move forward here. I believe General Vessey has done an outstanding job at this. I congratulate him.

Everything that I have tried to do or I am trying to do at this point is really to supplement his efforts to help the governmental entities get over the mistrust that exists in some quarters of this country with respect to this issue.

I believe that there is a new opportunity with respect to the Vietnamese right now to move forward rapidly in resolving this issue, to move more authoritatively with respect to it, and to try to put some of these issues to bed.

Up until now General Vessey and others have indicated there have been problems in getting access to records. I raised that issue with the Vietnamese, and I believe at this point in time that, to the degree there are records that exist, they are willing to make them available to us. I believe they will assign Vietnamese personnel to the task of trying to track those records in an effort to work out the discrepancies and get answers.

In addition, General Vessey and others have indicated that there is a travel problem. Mr. President, I posed this problem to Secretary Linh. I said to him pointblank: "There are people in the United States who will not believe your good faith if you are requiring us to come to you and get a stamp of approval before we can travel to some part of the country in order to find our whether or not somebody was there in response to a live sighting. People will believe you have moved them in the interim between getting the stamp of approval and our going out there. So if you want to put this issue to rest, give us permission to move through your country at will so that there can be no doubts about the veracity of the followup on a live sighting."

Secretary General Linh said to me, "That is not a problem. I will agree that we will give you the opportunity to have a blanket approval for travel. You can send people anywhere you want in the country. Bring Vietnam veterans over here, let them go anywhere in Vietnam and see whether or not there are any people held here or any people alive."

Similarly in Cambodia and Laos, both of those countries are willing to help and there has been a successful recent meeting of our own POW-MIA team that has gone into Laos and greatly advanced our ability to resolve this issue.

Mr. President, I believe that General Vessey is on the right track. I believe that the opportunity is there for our country to augment our efforts to resolve this issue. And it is my hope that, together with Senator MCCAIN and others, we can put together a small group of veterans who can assist in the process of breaking down the redtape, of building up the trust between the government entities, and of helping families to believe that the maximum effort is being put into this so that all of us can come together again with an understanding that nobody is covering up anything, that nothing is being shunted aside, and that every effort is being made to resolve this vital issue. I hope that the administration will take advantage of this opportunity.

Mr. President, I thank the distinguished Chair for his indulgence in letting me say these extra words.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Kentucky, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senate will now go into executive session to consider en bloc Executive Calendar Nos. 2, 3, 4, and 5, which the clerk will state.

The assistant legislative clerk read as follows:

EX. EE, 96-1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, with Annex, 1978;

Treaty Doc. 101-7. Annex III to the 1973 Convention for the Prevention of Pollution From Ships;

Treaty Doc. 102-2. 1988 Protocols Relating to the Safety of Life at Sea and Load Line Conventions; and

EX. K, 88-1. Convention Concerning the Abolition of Forced Labor.

The Senate proceeded to consider the treaties.

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided and controlled by the chairman and ranking member of the Foreign Relations Committee.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank the chairman of the Committee on Foreign Relations, the distinguished ranking member, and all those involved in a matter that may not be widely noticed but is of epic importance.

For the first time in our 66 years of membership in the International Labor Organization, we are going to ratify a substantive treaty, one of the five key human rights conventions of the ILO, which has meant so much to this century.

I would like particularly to note that it was 27 years ago that President Kennedy proposed that we do this in a message to the Congress. I was then Assistant Secretary of Labor. We were so pleased that finally we were resuming this relationship with the ILO with its great purposes that President Wilson so very much associated himself with.

Mr. President, I ask unanimous consent that President Kennedy's message and that of his Secretary of State Dean Rusk, and Secretary of Labor W. Willard Wirtz be printed in the RECORD at this point.

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

1963 PRESIDENTIAL MESSAGE SUBMITTING CONVENTION 105 TO THE SENATE

THE WHITE HOUSE, *July 22, 1963.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention Concerning the Abolition of Forced Labor (convention No. 105), abopted by the International Labor Conference at its 40th session, Geneva, June 25, 1957.

I transmit also, for the information of the Senate, the report of the Secretary of State concerning the convention, together with the copy enclosed therewith of a letter from the Secretary of Labor.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State, with enclosed background statement and copy of letter; (2) certified copy of ILO convention No. 105.)

THE WHITE HOUSE, *July 22, 1963.*

DEPARTMENT OF STATE,
July 18, 1963.

The PRESIDENT,
The White House:

I have the honor to lay before the President, with a view to its transmission to the Senate for the advice and consent of that body to ratification, if the President approve thereof, a certified copy of the Convention Concerning the Abolition of Forced Labor

(convention No. 105) adopted by the International Labor Conference at its 40th session, Geneva, June 25, 1957.

In accordance with article 4 thereof, the convention entered into force on January 17, 1959. At the present time 60 of the 108 members of the International Labor Organization, not including the United States, have deposited instruments of ratification to the convention.

There is enclosed a background statement on the development of this convention over a period of nearly 10 years.

The convention as adopted consists of a preamble and 10 articles, the substantive provisions being contained in the first 2 articles.

Article 1 provides that each ratifying member undertake to suppress and not to make use of any form of forced or compulsory labor (a) as a means of political coercion or education or a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (b) as a method of mobilizing and using labor for purposes of economic development; (c) as a means of labor discipline; (d) as a punishment for having participated in strikes; and (e) as a means of racial, social, national, or religious discrimination.

Article 2 provides that each ratifying member undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labor as specified in article 1.

Formal ratifications are to be communicated to the Director General of the International Labor Organization (art. 3). The convention is binding only on those members which have registered ratifications with the Director General, and the convention enters into force 12 months after the date on which the ratifications of two members have been registered (art. 4). Thereafter it enters into force for any member 12 months after the date of registration of its ratification (art. 4).

The convention may be denounced by any member a party thereto after 10 years have elapsed from the date it first enters into force, by a communication addressed to the Director General; such denunciation shall take effect 1 year from the date it is registered by the Director General (art. 5). Any party which has not, within a year following the expiration of that 10-year period, exercised the right of denunciation, will continue to be bound for another 10-year period and, thereafter, by a communication to the Director General, may denounce the convention at the expiration of any period of 10 years (art. 5).

The Director General shall notify all members of the Organization of the registration of ratifications and denunciations and of the entry into force of the convention (art. 6), and shall register the convention with the United Nations in accordance with article 102 of the United Nations Charter (art. 7).

Article 8 provides for consideration of a revision of the convention. Article 9 provides that, if the Conference adopts a new convention revising this convention in whole or in part, then, unless the new convention otherwise provides, ratification by a member of the new convention shall involve immediate denunciation of this convention notwithstanding the provisions of article 5. Article 10 states that the English and French versions of the convention are equally authoritative.

Pursuant to article 19, paragraph 7(b), of the Constitution of the International Labor Organization, the convention was transmitted to both Houses of Congress on February 9, 1959 (H. Doc. 78, 86th Cong., 1st sess.). At that time the interested departments of the Government were inclined to the view that the ban on forced labor as a punishment for having participated in strikes raised problems of a technical legal character with regard to areas of State regulation.

However, after an extensive additional review of the convention and the technical legal problems involved, the interested departments of the Government have expressed their coordinated view (see the enclosed copy of a letter dated February 15, 1963, from the Secretary of Labor) that the subject matter of convention No. 105 is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, that there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that, with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have been duly convicted." The 13th amendment to the Constitution reads in part:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Accordingly, and in accordance with article 19, paragraph 7(a), of the Constitution of the International Labor Organization, the convention is submitted herewith for transmission to the Senate for advice and consent to ratification.

Respectfully submitted.

DEAN RUSK.

Enclosures: (1) Background statement; (2) copy of letter of February 15, 1963, from the Secretary of Labor; (3) certified copy of convention No. 105.

BACKGROUND STATEMENT REGARDING THE DEVELOPMENT OF CONVENTION NO. 105

The adoption of the convention by the International Labor Conference in 1957 was the result of long and earnest consideration of the problem of forced labor. In 1947 the Economic and Social Council of the United Nations received a letter from the American Federation of Labor urging an investigation concerning forced labor and the consideration of action to abolish it. The Council adopted a resolution on March 7, 1949, which, among other things, invited the International Labor Organization "to give further consideration to the problem of forced labour and its nature and extent in the light of all possible information." This resolution came before the Governing Body of the Organization at its 109th session (June 1949). The Governing Body stated its view that there should be an impartial inquiry into the nature and extent of forced labor and the treatment accorded to such persons.

On March 19, 1951, the Economic and Social Council adopted a resolution in paragraph 1 of which it is stated:

"1. *Decides* to invite the International Labour Organization to co-operate with the Council in the earliest possible establishment of an ad hoc committee on forced labour of not more than five independent members, qualified by their competence and impartiality, to be appointed jointly by the Secretary General of the United Nations and the Director General of the International Labour Office with the following terms of reference:

"(a) To study the nature and extent of the problem raised by the existence in the world of systems of forced or "corrective" labour which are employed as a means of political coercion or punishment for holding or expressing political views and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application in the light of the principles referred to above and if the committee thinks fit by taking additional evidence into consideration;

"(b) To report the results of its studies and progress thereon to the Council and to the Governing Body of the International Labour Office."

The report of the ad hoc committee, adopted on May 27, 1953, was submitted to the United Nations and the International Labor Organization. The General Assembly of the United Nations adopted in 1953 a resolution in which it invited "the Economic and Social Council and the International Labour Organization, as a matter of urgency, to give early consideration to the report of the Ad Hoc Committee on Forced Labour."

The Economic and Social Council, at its 17th session in 1954, considered the report and adopted a resolution in which the International Labor Organization was invited to continue its consideration of the question.

During the 1956 Conference (39th session) of the International Labor Organization the Committee on Forced Labor submitted its report as a basis for discussion regarding the preparation of a new international instrument concerning forced labor. The Committee's report recommended that a convention was the most appropriate form of instrument and set forth certain proposals to be used as a basis for draft articles for the abolition of forced labor. The conclusions of the Committee were examined by the Conference and a resolution was adopted on June 28, 1956, approving the Committee report, and in particular approving as general conclusions, with a view to the consultation of governments, proposals for a convention relating to forced labor. The subject was placed on the agenda of the next general session with a view to a final decision on a convention concerning forced labor.

At the 40th session of the International Labor Conference (1957) the Committee on Forced Labor considered the draft of an international instrument concerning forced labor. The Committee submitted a draft convention to the General Conference with a report dated June 19, 1957, and the General Conference adopted the draft convention on June 21, 1957. The U.S. delegations actively participated in the discussions regarding the draft convention, which was adopted by a vote of 240 to 0 with 1 abstention. The U.S. Government and workers' delegates voted in favor; the U.S. employers' delegate abstained on the basis of the form of the instrument.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 15, 1963.

Hon. DEAN RUSK,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: This letter will express to you the revised coordinated view of the interested departments and agenices of the executive branch with respect to the Convention (No. 105) Concerning the Abolition of Forced Labor, adopted at the 40th session of the International Labor Conference at Geneva, Switzerland, June 25, 1937. The previous coordinated view of these departments and agenices on this instrument was expressed in a letter to the then Sec-

retary of State, the Honorable John Foster Dulles, from Secretary of Labor James P. Mitchell, dated December 15, 1958, and forwarded by the Department of State to the House of Representatives and the Senate on February 9, 1959. (H. Doc. 78, 86th Cong., 1st sess.).

The Convention requires that each ratifying member undertake to suppress and not to make use of any form of forced or compulsory labor for the following purposes: As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; as a method of mobilizing and using labor for purposes of economic development; as a means of labor discipline; as a punishment for having participated in strikes; and as a means of racial, social, national, or religious discrimination. It further requires that each ratifying member undertake to take effective measures to secure the immediate and complete abolition of the specified forced or compulsory labor.

The Convention was adopted by a vote of 240 to none, with 1 abstention. The U.S. Government and workers' delegate voted in favor; the U.S. employers' delegate abstained on the basis of the form of the instrument.

In the letter of December 15, 1958, the position was taken that article 19 paragraph 7(b) of the ILO Constitution was applicable to convention No. 105 and that its ratification was not deemed appropriate. Concern was expressed that the ban on forced labor as a punishment for having paritcpated in strikes raises problems of a technical legal character with regard to areas of State regulation.

In view of the continuing importance of this subject in international relations and the leading role which the United States has and must continue to play in the United Nations and in the International Labor Organization on the subject of forced labor, a review has been made of the extent of the inhibitions upon ratification involved in such technical legal problems.

The revised coordinated view that the convention is appropriate for ratification has been reached after such study by the Department of Commerce, the Department of Justice, the Department of the Interior, the Department of the Navy, and the Department of Labor, each of which expressed its views to the extent which it considered appropriate. Representatives of the Department of State were consulted in connection with the formulation of this view.

As stated in the letter of December 15, 1958, "for some 90 years forced labor has been prohibited in the United States by amendment to the U.S. Constitution." In *Dennis* v. *United States*, 341 U.S. 494 (1951), upholding convictions for conspiracy to organize a group which teaches and adovcates violent overthrow of the Government and conspiring to teach and advocate the duty and necessity of overthrow of the Government by force and violence, the important and careful distinction is made between this kind of activity and "the free discussion of political theories" and "the traditional rights of Americans to discuss and evaluate ideas without fear of governmental sanction" (341 U.S. 502–503). Just as there is neither Federal nor State power validity to impose forced labor as a punishment for holding and discussing political views in a lawful manner, by reason of the Federal Constitution, there is neither Federal nor State power validity to impose forced labor as a punishment for a legal strike. Even with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have bene duly convicted."

The United States, as a member of the ILO, has assumed the obligations set forth in article 19 of the ILO Constitution. It is our view, after further study of the matter, that the subject matter of ILO convention No. 105 is wholly within the Federal competence under the 13th amendment and that paragraph 7(a) of article 19 is applicable to it. Under these provisions the Federal Government is obligated to bring the convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action and to report the action taken.

Accordingly, it is recommended that the President of the Senate and the Speaker of the House of Representatives be advised of this revised coordinated view of the executive branch with respect to ILO convention NO. 105. It is further recommended that this instrument be transmitted to the Senate with a view to receiving advice and consent as to its ratification. Inasmuch as U.S. law and practice is in conformity with its provisions, no enactment of legislation is required in its ratification.

Yours sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

Mr. MOYNIHAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I am pleased to bring before the Senate today several treaties that have been reported by the Committee on Foreign Relations.

MARITIME TREATIES

Three of these treaties were negotiated under the auspices of the International Maritime Organization [IMO], or its predecessor Intergovernmental Maritime Consultative Organization [IMCO], a specialized agency of the United Nations concerned with the promotion of safety in shipping and the prevention of marine pollution from ships.

I am particularly glad to be in this position today in presenting these treaties for passage because I remember being appointed as a delegate to the initial meeting of IMCO by President Eisenhower before being elected to the Senate.

The first of these maritime treaties is the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers [STCW] which has been ratified by 78 countries and entered into force in 1984. This Convention sets minimum acceptable standards for the training of masters, officers, and certain crewmembers of seagoing merchant ships. Those standards cover such subjects as age, experience, amount of training, and requisite knowledge concerning several specifically enumerated subjects.

Another of the maritime treaties that we will consider today is annex III to a convention and protocol known as MARPOL which sets forth standardized regulations for the marine transport of packaged cargos that are potentially harmful to the environment.

And we are also presenting for the Senate's advice and consent a set of so-called harmonization protocols to two marine conventions which have been previously ratified. One of those conventions is the International Convention on Load Lines, and the other is the International Convention for the Safety of Life at Sea. These two conventions require numerous inspections of ships to ensure that the ships are complying with the requirements of the respective conventions. The requisite inspection dates differ under the two conventions, and have thereby occasioned an excessive number of visits to each ship by the inspectors. The harmonization protocols are the result of an effort to permit ships to be inspected by the same inspector for compliance with both conventions during one visit.

ILO CONVENTION NO. 105

The fourth treaty is the one that has been described already by the Senator from New York [Mr. MOYNIHAN] and I congratulate him for it being brought forward these many years after it was first introduced. This treaty is the Convention Concerning the Abolition of Forced Labor, adopted sometime ago by the International Labor Conference. This convention requires the ratifying States to undertake to suppress and not make use of forced and compulsory labor—

As a means of political coercion or education, or as punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;

As a method of mobilizing and using labor for purposes of economic development;

As a means of labor discipline;

As a punishment for having participated in strikes; or

As a means of racial, social, national, or religious discrimination.

As we proceed toward approval of this particular convention, I again wish to commend the Senator from New York [Mr. MOYNIHAN] for his diligence and his hard work in seeing to it that this significant convention has come to this stage in the ratification process.

Mr. President, I urge my colleagues to support all the the resolutions that are before us today.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

There are 5 minutes allocated to the ranking minority member of the Senate Foreign Relations Committee, the Senator from North Carolina.

Mr. HELMS. Mr. President, for almost 100 years, it has been recognized that slave labor is a heinous crime. Products made under slave labor condi-

tions are banned from the United States, Canada, England and other Western countries. The practice is condemned by ILO Convention 105 which is before us today. Slave labor is an offense against the prisoners who are forced to work to enrich their masters and it is an offense against those free workers who must compete against products produced by slave labor.

The situation on slave labor can best be exemplified by the horrendous conditions now taking place in Communist China. We discussed these at great length during the markup of this treaty, and it is wise to go over these points again since they are so fresh in the public mind.

But not only has slave labor not been eradicated, it has actually, expanded in Communist China. According to Asia Watch:

> The Government of China is systematically exploiting the labor of prisoners in the vast Chinese gulag to produce cheap products for export—and specifically targeting the United States, West Germany, and Japan.

The General Accounting Office has this to say about slave labor in Communist China:

> Forced labor is an integral part of the political, judicial, penal and economic systems in the People's Republic of China and is practiced throughout the country.

Let me repeat: throughout the country.

Three weeks ago, Congressman FRANK WOLF walked into a prison in Peking and found the prisoners making textiles, undoubtedly for export to the United States.

Last year a brave State Department officer told his bosses that every prison in South China has its own slave labor program, but none of the higher ups was listening.

Business Week calls it, "China's Ugly Export Secret: Prison Labor".

Well, it is not a secret anymore.

Now, I have been pointing this out for well over a year, but I keep being told by the administration that they cannot find it.

I ask this: If FRANK WOLF can find it and the human rights groups can find it and the press can find it and the GAO can find it and our counsel general in Canton can find it, then the administration can find it.

When the administration finds it, it should use existing law to stop it. If it doesn't have enough legislative authority, come to us an we will fix it right quick.

Because let's not forget who we are talking about here: We are talking about the young students who managed to survive the massacre at Tiananmen Square and the workers who wanted to form their own free trade unions. They are the ones who are in the Communist Chinese gulag.

We can begin by ratifying ILO Convention 105, but, more importantly, it is time to put an end to slave labor imports.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Carolina has 3 minutes and 40 seconds, and the time of the majority has expired.

Mr. HELMS. It has expired?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I yield back the remainder of the time.

The PRESIDING OFFICER. Under the previous order, one vote will count as four votes. The question is on agreeing to the resolutions of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Votes Nos. 56, 57, 58, 59 Ex.]

YEAS—97

Adams	Cohen	Graham
Akaka	Conrad	Gramm
Baucus	Craig	Grassley
Bentsen	Cranston	Harkin
Biden	D'Amato	Hatch
Bingaman	Daschle	Hatfield
Bond	DeConcini	Heflin
Boren	Dixon	Helms
Bradley	Dodd	Hollings
Breaux	Dole	Inouye
Brown	Domenici	Jeffords
Bryan	Durenberger	Johnston
Bumpers	Exon	Kassebaum
Burdick	Ford	Kasten
Burns	Fowler	Kennedy
Byrd	Garn	Kerrey
Chafee	Glenn	Kerry
Coats	Gore	Kohl
Cochran	Gorton	Lautenberg
Leahy	Packwood	Simon
Levin	Pell	Simpson
Lott	Pressler	Smith
Lugar	Reid	Specter
Mack	Riegle	Stevens
McCain	Robb	Symms
McConnell	Rockefeller	Thurmond
Metzenbaum	Roth	Wallop
Mikulski	Rudman	Warner
Mitchell	Sanford	Wellstone
Moynihan	Sarbanes	Wirth
Murkowski	Sasser	Wofford
Nickles	Seymour	
Nunn	Shelby	

NAYS—0

NOT VOTING—3

Danforth	Lieberman	Pryor

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolutions of ratification agreed to are as follows:

INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, WITH ANNEX, 1978—EX EE—96TH CONGRESS, FIRST SESSION—(ROLLCALL VOTE NO. 56)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, with Annex, 1978 (The Convention), done at London, July 7, 1978.

ANNEX III TO THE 1973 CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS—TREATY DOC. 101-7)—(ROLLCALL VOTE NO. 57)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Annex III (Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons), an optional annex to the 1973 International Convention for the Prevention of Pollution from Ships, as modified and incorporated by the 1978 protocol relating thereto (MARPOL 73/78).

1988 PROTOCOLS RELATING TO THE SAFETY OF LIFE AT SEA AND LOAD LINE CONVENTIONS—TREATY DOC. 102-2—(ROLLCALL VOTE NO. 58)

Resolved (two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea, 1974, with Annex, and the Protocol of 1988 Relating to the International Convention on Load Lines, 1966, with Annexes; both Protocols done at London November 11, 1988, and signed by the United States April 6, 1989.

CONVENTION CONCERNING THE ABOLITION OF FORCED LABOR—EX. K—88TH CONGRESS, FIRST SESSION—(ROLLCALL VOTE NO. 59)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Abolition of Forced Labor (Convention No. 105), adopted by the International Labor Conference at its 40th Session, Geneva, June 25, 1957, subject to the following understandings:

1. The United States understands the meaning and scope of Convention No. 105,

having taken into account the conclusions and practice of the Committee of Experts on the Application of Conventions and Recommendations existing prior to ratification, which conclusions and practice, in any event, are not legally binding on the United States and have no force and effect on courts in the United States; and

2. The United States understands that Convention No. 105 does not limit the contempt powers of courts under Federal and State law.

The PRESIDING OFFICER. The President will be notified of the Senate action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of S. 100, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 100) to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I rise today to express my strong support of S. 100, the Central American Democracy and Development Act. This bill will redefine our Nation's policy toward the countries of Central America, and I am proud to be one of its 33 cosponsors.

I want to take this opportunity to commend our distinguished colleague from North Carolina, Senator SANFORD, for bringing this important measure before the Senate. Senator SANFORD has worked long and hard on issues relating to Central America. In 1987, it was Senator SANFORD who recruited a distinguished group of experts to form the International Commission for Central American Recovery and Development. The 47 members of the Commission came from widely diverse backgrounds and represented 20 countries in Latin America, North America, Europe, and Asia. More important, 20 members were Central Americans. The Commission allowed Central Americans to work toward solutions to the problems that Central Americans face. In 1989, this nonpartisan body issued the report which became the driving force for S. 100. I would like to commend the Commission today for its hard work and dedication to the people of Central America.

Mr. President, the collapse of East European dictatorships in 1989 was truly a watershed for East-West relations and I suspect truly a diplomatic watershed for the latter part of the 20th century. Time and again, the Bush administration has expressed its support for the economic and political development of the fledgling democracies in Eastern Europe.

But what about the least developed countries, Mr. President? The least developed countries also fell victim to cold war politics.

In the 1980's our policy toward Central America failed to address the deep-rooted problems of the region. We seemed more interested in preserving the status quo than in improving living conditions for the people of Central America. We failed to recognize that democratic advances could not be made without economic development.

In short, Mr. President, we encouraged democratic and economic change in one part of the world—in Eastern Europe—while supporting military rule in another part of the world, looking the other way when human rights violations occurred and supporting regressive social policies in Central America.

I think the initiative offered by the distinguished junior Senator from North Carolina, [Mr. SANFORD] gives the United States a unique opportunity to break from past policies and foster positive advances in Central America. That difficult process has begun. With the Esquipulas accords, the end to the civil war in Nicaragua, and major constitutional reforms in El Salvador, the countries of Central America are moving toward peace, at long last, they are moving toward pluralism, and economic development. The 1990 Antigua declaration, signed by the five Central American presidents, asserted the need for a Central American common market and for greater regional cooperation in trade, production, and investment. The Central American governments have also begun discussions on regional security issues.

This legislation represents a pledge to support the Central American governments in that effort, and to move away from the destructive policies of the 1980's. It is time for the United States to join in this shared vision with the countries of Central America and encourage fundamental economic and political steps that will lead to democracy, that will lead to economic prosperity, that will lead to respect for human rights, and will turn away from bloodshed and social decline that has plagued the region for so long. The Central American Democracy and Development Act charts a course for U.S. policy that pledges our support and our commitment to the regional integrity, security, and prosperity of Central America. In this policy, we, too, can realize our own future of economic prosperity and peace.

As a nation, we must recognize that democratic principles and economic development are inseparably intertwined and linked together. We must realize that lasting solutions to the many problems in Central America can only be solved, in the final analysis, by the Central Americans themselves, and that lasting solutions can only be reached at the negotiating table, to which all parties come freely and to which all parties are represented. These solutions are lasting as opposed to the problems that stem from continued combat and continued measures that are spinoffs from various hostilities and various battles that may occur.

We must acknowledge that the role of the United States should be to stimulate and support this peaceful process.

Mr. President, the Central American Democracy and Development Act is based on these convictions and builds upon the accords resulting from the Esquipulas II agreements. The legislation reflects a commitment by the Congress to support regional cooperation as I said earlier, protection of basic human rights, democratic political reform, and the expansion of economic opportunities in Central America. In short, S. 100 states that the policy of the United States toward the region will take advantage of positive events to ensure a stable and prosperous future for the hemisphere.

The Central American Democracy and Development Act enjoys broad bipartisan support in the Senate. The State Department supports the legislation and most important, Mr. President, it is supported by the five Central American leaders.

I am pleased that today, the Senate has the opportunity to assist these leaders in their historic effort to bring peace, freedom, and prosperity to Central America.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The distinguished senior Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Just for the record, will the Chair inform the Senator, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 100.

Mr. HELMS. Again, I thank the Chair.

Mr. President, in just a few minutes I am going to offer an amendment to S. 100, the Central American Democracy and Development Act. This amendment is identical to the guidelines laid down for Eastern Europe in the 1989 SEED Act with which the distinguished occupant of the Chair is most familiar.

My amendment is designed to ensure that any future assistance to Latin America will be used to foster free market policies, thereby promoting real development and eliminating dependency on U.S. foreign aid, of which the American taxpayers have already had enough.

Mr. President, the point is this: The free-market guidelines, as stipulated in the amendment I shall shortly offer, were good enough for Eastern Europe; surely they are good enough for Latin America. I have a couple of charts, and I am going to suggest the absence of a quorum just briefly so I could have these charts brought down and held up.

Mr. SYMMS. Will the Senator yield before he suggests the absence of a quorum?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. SYMMS. For a question on his amendment?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I like the looks of the amendment of the Senator from North Carolina. Maybe the United States should get the same treatment.

Mr. HELMS. The Senator is exactly right. I imagine 98 percent of the American taxpayers would agree with the Senator and me on this point.

Mr. SYMMS. I cannot see who could oppose an amendment like this. I am surprised the committee would not accept it.

Mr. HELMS. I will say to the Senator, just watch what happens when the roll is called—there will be plenty of nays.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HELMS. Mr. President, the first poster I have here is one which is important that my colleagues understand. The chart explains that my amendment is identical to language already in current law, as passed in the SEED Act of 1989 with reference to Eastern Europe.

S. 100, the bill now pending before the U.S. Senate, is identical to legislation that languished on the Senate Calendar at the close of the 101st Congress.

Several Senators at that time expressed concerns that this proposal calls for a new broad-based economic plan for Latin America without any effective benchmark by which progress toward a free-market economy could be made.

In his testimony before the Foreign Relations Committee in September 1990, David Luft, who is a noted economist and a former U.S. alternate representative to the Organization for American States, stated that this legislation is basically "a declaration of good intentions in the form of an endorsement of a number of diplomatic accords and recommendations of the International Commission for the Central American Recovery and Development."

Then he went on to say:

> After careful analysis of S. 100, I find that it is a declaration of good intentions, but good intentions do not constitute a policy. What is needed is a policy that charts a course by which Latin America can move toward a free-market system.

And if Latin America does not move in that direction, I say to the distinguished Senator from Idaho, it is not going to move at all in any direction.

This is what Mr. Luft was urging in his testimony before the Foreign Relations Committee in September of 1990. He put it this way:

> Sustainable economic development is created by the private sector—that is, private businesses.

Then he continued:

> The laws, regulations and programs of governments can enhance or reduce the prospects of success for the private sector, but they cannot alter the laws of economics.

I might say parenthetically that is exactly what the Senator from Idaho is talking about. We have been trying to repeal the laws of economics—every time this Senate has met for 30 years. That is the reason we have a Federal debt in our own country of nearly $4 trillion.

Mr. Luft goes on to say:

> Fundamental to the success of private business are full rights to acquire and hold private property, including land, and the benefits of contractual relations, thus land reform of the type which took place in El Salvador in which the new owners of the land never received title and fee simple failed as it was bound to do.

You hear a lot of praise for the land reform program in El Salvador. In reality, however, it never happened. The people there were allocated land, but never got the title to it. It was simply another bureaucratic mess.

Then Mr. Luft said:

> A corollary to the establishment of full private property rights ought to be that state-owned enterprises ought to be privatized. As long as an enterprise is owned by the state, it will tempt government officials to use it for the achievement of political rather than economic goals.
>
> Individual administrations may be more or less susceptible to succumbing to this, but the temptation will remain.

We see that right here in Washington, DC.

Mr. President, this is precisely the problem in Latin America today, and S. 100, does nothing to alleviate this problem. It is a nice piece of legislation which does nothing to help Latin America in concrete terms. What I am suggesting with my amendment is that certain free-market policy guidelines be added to S. 100 in order to ensure that U.S. taxpayer funds are not wasted on the failed policies of the past.

Incidentially, Mr. President, my colleague and I have agreed to disagree on this. The Senator understands my position, and I understand his. Both are pretty consistent.

The Commission appointed by our distinguished colleague from North Carolina, Mr. SANFORD stated, and I quote:

> The Commission recommends the creation of opportunities for workers' participation in ownership and profits.

Well, those are pretty nice sounding words. I thought Mr. Luft responded to that pretty well. He said:

> The Sanford Commission's statement seems to be somewhat at variance with this statement on state-owned enterprises. A sale of state-owned enterprises to workers through a properly designed employee stock ownership plan is most certainly within the Central American governments' power, and would simultaneously make a not insignificant contribution to a reduction in these governments' fiscal deficits. They should follow this path in a number of instances with resounding success.

Mr. President, Latin America is suffering today from an economic crisis brought on by inefficient socialist programs, widespread corruption, and a proliferation of government regulation of the private sector. That is what is wrong in Latin America. This is the case despite the fact that the U.S. taxpayers have been required to pour more than $7 billion of the U.S. taxpayers' funds into economic development in Latin America over the past decade. And Latin America is no more developed today than it was years ago.

Moreover, one of the reasons that Latin American nations are submerged in such overwhelming debt is that they borrowed vast sums of money to be used for consumption, not for investment, nor creating jobs; not for development, nor creating a high standard of living and a stable economy.

It is not surprising then, that these nations have neither the base nor the infrastructure with which to generate the revenue to repay those loans. I have been waiting for the Senator from Idaho to interrupt to ask: What is the difference between Latin America and the United States? None. Unless the United States makes clear to these countries that the only way to economic prosperity is through free-market policies, then the United States is merely throwing the U.S. taxpayers' money down a rathole.

I express hope that maybe somewhere along the line it is going to sink into the Congress of the United States that we have to stop spending so much of the taxpayers' money. The Congress must stop running up this debt. The Congress must stop this business of Federal debt costing the taxpayers between $250 and $300 billion a year in interest alone. So, at the very least, maybe we can learn something by examining what the cause of the problem in Latin America has been all along, because it is totally applicable to the United States.

When S. 100, the pending business, was first considered by the Foreign Relations Committee in September 1990, I proposed to my friend, the distinguished junior Senator from North Carolina [Mr. SANFORD] that his proposed legislation be modified to ensure that any future economic assistance to Latin America will be used to promote and to foster at least nine free-market policies. I had them put here on this board so that those who may be interested can read along with me. I would like anybody to tell me what is unreasonable about any one of the nine, unreasonable in terms of Latin America, or unreasonable certainly in terms of the American taxpayers.

First, privatization of State-owned economic entities.

Second, establishment of full rights to acquire and hold private property.

Third, simplification of regulatory controls.

Fourth, dismantlement of wage and price controls.

Fifth, removal of trade restrictions on imports and exports.

Sixth, liberalization of investment and capital. To put that another way, to create jobs so that the people can pay taxes on money that they have earned. Instead as being just consumers, let them be a part of the economy again.

Seventh, tax policies which provide incentives for economic activity and investment.

Eighth, establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private trading.

Ninth, access to a market for stocks, bonds, and other financial instruments through which individuals may invest in the private sector.

Mr. President, the declaration of these principles in U.S. policy would in no way impinge upon the freedom of action in any Latin American country. I will be the first to say that any sovereign nation may adapt any policy that it wishes. But the U.S. Congress—and that is what we are talking about—would not be fair to either the American taxpayer or to the Latin American countries, unless our policy makes clear, up front, that the U.S. taxpayers will not be required to furnish one nickel to support a program in Latin America which has demonstrably been a failure in the past. If any country is seeking money from the American taxpayers for policies that are not shaped by practicality, then the U.S. taxpayers and certainly the U.S. Government, have no obligation or interest to provide economic assistance. Let us have a policy, not a feel-good, well-intentioned string of words. Good intentions will not feed a soul in Latin America. It will not create a single job.

To put it another way, if the recipient countries desire consideration from the United States and the U.S. taxpayers, they must be made to understand that the U.S. Government will consider only those programs which have a chance of alleviating the needs of the poor on a permanent basis. It is just as simple as that. If these countries want help, they should know that the United States will consider giving only the kind of help that works. We are not going to spend the taxpayers' money to bail out another socialist regime. We have done that since 1946. If any Latin American country does not want programs that will be effective, then it would be bad policy for our Government even to hint that we will consider any assistance whatsoever.

Let me conclude, Mr. President, and I will summarize as briefly as I can. It is bad policy for the U.S. Senate as well as bad policy for the Latin American countries that we say we want to help, to adopt policy statements which are not tied to specific programs within the overall framework of a foreign aid program. If we do that, we just shovel out money recklessly. Right now, the Senate, the House, and the administration, have been working for several months on broad reforms in the goal and structure of foreign aid. For the Congress to enact any piecemeal legislation that does not take into account the overall foreign aid reform effort is, in my opinion, wasteful and self-defeating.

AMENDMENT NO. 241

(Purpose: Relating to the enactment of difficult economic reforms by Central American governments)

Mr. HELMS. Mr. President, in order to ensure the viability of the proposal in S. 100, I send to the desk an amendment to make certain that the U.S. policy supports the free market reforms which, in my judgment, happens to be the only proposal that will work, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. SYMMS, proposes an amendment numbered 241.

On page 8, insert after line 14 the following new section:

(4) to assist the Central American governments in attaining the goal they have set for their countries of enacting difficult economic reforms necessary to achieve their stated, inter-related policies of stimulating productivity and investment, developing human resources, and reforming fiscal and monetary policies in order to allow the countries of the region to compete in world and regional markets, provided that such proposals meet minimum free market standards for creating economic conditions which will maximize the probability of a positive rate of return on investment on an after-tax, inflation-adjusted basis for domestic and foreign investors alike, conditions historically characterized by—

(A) privatization of state-owned economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations, taking into account the recommendations of "The Presidential Task Force on Project Economic Justice",

(C) simplification of regulatory controls regarding the establishment and operation of business,

(D) dismantlement of wage and price controls,

(E) removal of trade restrictions, including restrictions both on imports and exports,

(F) liberalization of investment and capital, including repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private sources of credit; and

(I) access to a market for stocks, bonds, and other financial instruments through which individuals may invest in the private sector.

The PRESIDING OFFICER. The distinguished senior Senator from Idaho.

Mr. SYMMS. Mr. President, I rise to support the Helms amendment and after looking through this legislation I suppose that a Senator might ask the rhetorical question: Is this really the proper role of the Congress?

If you look at the Constitution, as we all know, the President is in charge of policy while Congress is in charge of the purse. And the rhetorical question, of course, could be: Is this trespassing on the constitutional rights of the President to attempt to bind the United States with policy statements which are not related to specific restraint or expenditures?

Having said that, and that would not keep this Congress from moving ahead since we are going to move ahead with S. 100, it seems if we are going to set down a pattern of what we should be trying to export from the United States certainly I think the greatest thing that we have to export from this country is our ideas that have worked so well in our 50 States, in the laboratories of the 50 States, if you will, Mr. President. And that is, of course, a free enterprise economy because the mainspring of human progress has always been at times when people enjoy economic freedom.

So we have to ask what is the point of this legislation? If the point of legislation is to try to give some good help, good ideas, something beside just Uncle Sam's money—although when you read through the bill you find no specific actions in this bill either mandated or authorized and you really truly wonder whether it is truly the role of the Congress to lay down any policy divorced from action tied to the power of the purse.

Of course, the next concern I think Senators have to ask is: What is going to be the price tag invariably to this policy if it passes? How much money will we be sending to Latin America during the next 5 years? Are we going

to need $2 billion a year in financial aid, $850 million each of the next years after that, next 5 years and next many years, to what would amount to say $10 or $12 billion in the next few years?

If that is what we are talking about, then it would seem to me that if we are going to send our money to Latin America, Mr. President, then we should send it with some ideas attached to it that have worked in this country.

The bill specifically states that the United States should work in concert with Japan and our European allies and various multilateral lending institutions to provide the necessary funds. However, unless we state to Latin American nations up front that we will consider assistance only for projects and programs that have proven effective in the past, then the United States may very well be throwing U.S. taxpayers' dollars down the rat hole.

Another question I would ask, does the language in this bill imply that the United States will be responsible for the entire amount if Japan and our European allies do not come up with their shares? That is another question I think the Senate should ask.

I would hope that Senators would not automatically come to the floor and reject the Helms amendment before we carefully look at it to see just exactly what it says. I think in the past decade we have sent over $7 billion in economic assistance to Latin America as a whole and currently the region is undergoing one of the most severe economic crises in history brought about chiefly by corruption, inefficient social programs, and overregulation of the private sector by the Government.

That sounds strangely parallel to what is happening here in the United States. Each day the Congress meets and passes another noble piece of legislation to interfere with the producers of this country. Fortunately we have enough of a capital base that we have been able to sustain ourselves even longer than some of those great devotees of capitalism, like myself and others, have believed in. It has even sustained itself longer than I thought it would with the abuse meted upon it by the Congress of the United States. It might just well be one of the reasons why we should adopt the Helms amendment. There might be some place left in the world with capitalism, if it is destroyed here in this country by an all-too-willing Congress and oftentimes an all-too-willing administration to accept socialistic interfering regulations, bureaucracy and a negative bureaucracy that is the most antagonistic, I would say, in the United States, of any country in the Western world. But I might just say antagonistic to producers in this country.

So I think, Mr. President, that there is good reason why the Helms amendment should be supported, and I think there is good reason why Senators should ask questions about what we have done with the $7 billion we sent to Latin America in the last few years, and why it is we continue to keep sending money down the rat hole.

I say as one Senator, I would not object to sending the money to Latin America if it were promoting economic growth for the people, but not if it only supports state-owned socialistic enterprise such a bank nationalization, land reform, and export nationalization. If Latin America is to dig itself out of this current economic crisis, then what this country needs is advice and assistance designed to assist the private sector. And we need to be talking about free enterprise, economic freedom, and growth policies for those regions so they can grow.

The term "sustainable development" is another problem, and I hope my colleagues on the committee will give the Senate a definition of this before this debate is through this afternoon. It is my understanding that this term has traditionally meant the provision of seed money for a project that, once implemented, will become self-sufficient. Lately, however, this term has taken on a new meaning—development that is sustainable within an ecologically sound framework. If indeed the latter is the case, I would then ask the question rhetorically whether this does not constitute an unacceptable intrusion in the internal affairs of an ally.

I just throw those out for questions. But in light of the foregoing, Mr. President, it seems to me that S. 100 is clearly a declaration of good intentions and I, in no way, criticize my colleagues, and compliment them for their good intentions with respect to Latin America. However, Mr. President, as the former representative to the Pan American States said, a declaration of good intention's does not constitute a policy.

What I believe is needed to make this bill a realistic policy statement is to add the language that would define exactly what we mean when we use terms such as "the free market economy" and "sustainable development." Therefore, what the Helms amendment does—and I just want to repeat it; Senator HELMS has mentioned part of it but I want to go through part of it again for those colleagues who may have missed it—it will accomplish two purposes:

One, it will provide an effective benchmark for the United States to be able to judge the progress toward free enterprise so we can know when we allocate our assistance whether it is doing anyting, and whether we are making headway; and two, it would lay out in clear form the steps that the Latins need to undertake to achieve economic prosperity.

I do not say that to say that we know what is best. I think that the historical record of the United States, and the rest of the world for that matter, anyone who will examine our record will know that the times we made the greatest headway, the greatest economic development, and the people have advanced the most in the country in terms of living standard, health care, education, better life in general, have been times when we have had a maximum of economic freedom and a good environment for them to work in.

So the first point, as I refer to my colleagues who stand at the back of the Chamber, is privatization of State-owned economic entities.

Many Latin American Governments waste millions and millions of dollars needlessly because they are charged with running the power company, the telephone system, or the export business. It would be much more effective, from an economic standpoint, to put these businesses in the hands of the private sector, for two reasons.

First of all, it would generate revenue for the treasury when the entities are sold to investors from the private sector. So there would be an immediate cash infusion to these cash-strapped governments.

Second, it would transform such an entity into a profit making enterprise where there is a bottom line to be met and they can decide and determine whether or not they are operating accurately because they have the bottom line, they have the benefit of the market to tell them if they are doing a good job or bad job.

If a government runs an enterprise, they never know if they are doing a good job, Mr. President.

Once the directors of this newly privatized entity can start operating like a business, it will become productive and more money will be generated for the local economy. That means there will be more jobs for people, and people will have an opportunity to move upward through the ladder of economic progress.

The second point is the establishment of full rights to hold and acquire the private property. This is an essential point.

As Socrates wrote 3,000 years ago, "people pay most attention to what is their own." This is the fundamental basis a free market economy is built upon—private ownership.

It is interesting that in the Soviet Union recent polls taken of the Soviet citizens show that 58 percent of the people respond to polls that the one thing they want the most is the right to own private property. We joke in our State that the Soviet reformers today in the modern Soviet Union, which is about four or five generations or decades behind the rest of the Western World in terms of the economic development, the modern reformers say they want the Soviet citizens to own 60 percent of the land. In Idaho we are up to 35 percent. In Utah we are up to 33 per-

cent. In Nevada the people own 12 percent of the land. In Alaska, I think, a paltry 2 percent of the land. So we have a way to go even in this country.

But fundamentally the main reason the United States has done so well throughout our history is because of the right to private ownership. Here we are talking about a foreign aid program that does not really export the idea of the basic fundamental value of private ownership.

I would say, Mr. President, that if you compare the Soviet Union with the United States of America probably the one most significant difference in the development of these two countries has been the right of people to own property. You cannot separate people's human rights from their property rights.

As long as we support policies that promote state Socialism, or nonprivate ownership of property, we will be sending the American taxpayer's dollars down a rat hole and doing a disservice, I might add, to the people who live in these countries in Latin America who we wish to help so much.

The third point is simplification of the regulatory controls regarding the operation and establishment of businesses. It has been due to this overregulation that many would-be businessmen have simply decided not to enter the private sector because of the all of the red tape involved in setting up a business. A relaxation of these regulations would go a long way toward including individuals to get involved in the private sector.

I would say, Mr. President, while we are doing it for Latin America we ought to take a look at what we are doing here in this country so we do not run short of business people in this country that want to get in business.

The fourth point is a dismantlement of wage and price controls. This is one area where Latin American governments have spent millions and millions of dollars in subsidies in order to keep wages artificially high and prices artificially low. If these controls were eliminated, then wages and prices would fluctuate based on supply and demand.

Mr. President, I call the attention of my colleagues, Mr. President, to the fact that in 1948, after World War II, when the Marshall plan was under full effect in Western Europe and the economy in Germany was a shambles, but through the grace of God and maybe some good judgment on the part of some of our people, a man named Adenauer was named to be the Chancellor of West Germany. And so on Sunday afternoon, when all of the American State Department people were gone, and all of the rest of the bureaucracies from other countries, the conquerors of West Germany, Mr. Adenauer went on national radio and announced that all economic controls are hereby abolished. He abolished all price controls, all wage and price controls, in one fell swoop on a Sunday afternoon.

Do we know what happened, Mr. President? They had an economic miracle and Germany started prospering that Monday morning, and they have been prospering ever since. And I think it had more to do than anything that happened, more to do than the millions of dollars in the Marshall plan; certainly that money was important but what really was important was the market system was freed in West Germany. And it boomed.

Guess what happened in East Germany? I do not have to tell my colleagues in the Senate that, Mr. President. We all saw it when the Berlin Wall came down. The economic standard in East Germany barely progressed since 1948. Very little economic progress had been made where they kept all those controls, and in West Germany where they freed the market it boomed.

The same thing I maintain would happen in Latin America if we Americans would export the virtues of the humanitarian aspect of capitalism. That is what the Helms amendment is all about.

I suppose as conservative as Senator HELMS is—and I cannot speak for my good friend from North Carolina—he would be less inclined to be opposed to the billions of dollars we send overseas if we were exporting the virtuous ideas that go with American capitalism. Most of the billions of dollars we send overseas, Mr. President, we promote socialism. What does it get us? Nothing. What it does, it gets the people that live there nothing but waste and corruption and an inefficient economy, telephone systems that do not work, powerplants that do not work, bureaucrats that have to have payola before you can get anything through the system.

But in a capitalist system you cannot allow that to happen. You have a market working and you have a price to tell you. The distinguished occupant of the Chair knows that. He is a businessman himself. He knows the bottom line is the profit-and-loss statement tells us whether you are doing the right thing or wrong thing in business.

The fifth point, the removal of trade restrictions. Since most Latin American countries are not self-sufficient, they rely on exports to generate foreign capital reserves, while heavily discriminating against industries which are designed for domestic consumption. While this might help in the generation of capital in the short term, it is detrimental in the long term because the government has to spend more on price subsidies for goods produced domestically. The removal of these restrictions would go a long way toward balancing both interests.

In other words, it does not make sense to force people in some countries to spend $5 a bushel, or $6 a bushel, to grow grain when they can buy it from the United States for $3 or $4 a bushel. Let them do what they can do to be economically feasible and let their economies grow and not force this mercantilism on them by the state, the bureaucracies, the mercantilism that goes with the cozy arrangement between businesses and politicians for the very, very rich people in the society, the jet-setters of their societies who have plenty of money at the expense of the working people in those countries, who are so extremely poor, but give them an opportunity for entry into the market and a removal of subsidies from some of those interests and opening up of their trade they would find that their economies would grow.

The sixth point involves the liberalization of investment and capital. Again, this is a problem of regulation and discrimination against foreign investors. Because there is little or no domestic savings or investment, these countries have to rely on foreign investors. However, the regulations imposed upon them by the government, often including the nonrepatriation of profits, discourages such investment. Were these restrictions to be removed, then there would be an influx of foreign capital that would provide a seed for further development.

Senator HELMS was exactly right by having this particular point in there so people would be encouraged to invest capital in those countries and believe that they will have an opportunity to make a profit from that investment. What that will do is provide opportunities for the people at the lowest level of the economic ladder in those countries to be able to grow economically and to build a better life.

The seventh point is to establish tax policies which would provide incentives for economic activity and investment. Members of the middle class in most Latin American countries often find a significant portion of their income taken due to unfair tax policies. If these countries implemented new tax systems which were more equitable, then domestic saving and investment could be encouraged.

That is not that complicated, Mr. President. It is actually very simple. It is hard to accomplish, but it is not that complicated to understand. But we will never accomplish it if we just helterskelter continue to shovel the money out to Latin America with no encouragement or enhancement for them to develop into a strong market oriented economy.

The eighth point is the right to own and operate private banks and other financial service agencies as well as an unrestricted access to private sources of credit.

Traditionally, Mr. President, Latin American countries have held a tight rein on the access to credit by private institutions and some countries have even nationalized the banking system. This has created a twofold problem.

One, governments oftentimes use access to credit as a political weapon against their opposition parties. People who participate in opposing the government—the government controls whether they can get a loan for their business or not. So they give their loans in cozy relationships to their buddies, their cronies. They develop cronyism and they develop a cronyist state capitalism, or fascism if you will, in some of these countries that have not developed economically. It only protects a few of the rich.

Second, the rates usually charged by state-owned credit institutions were usurious to the point that only the extremely wealthy could afford to pay the interest rates. The existence of private banks would eliminate those problems by making access to credit subject to the market forces, again, which would lower interest rates and reflect trends.

The ninth and final point, in summary of the Helms amendment, is access to market for stocks and bonds and other financial instruments through which individuals may invest in the private sector. The exclusion of private individuals from this market has tended to put all the assets of the private sector into the hands of the wealthy few. The development of such a program would allow individual investors and employers to purchase stocks and bonds in companies, thereby allowing them to participate fully in the decisions of the company and have a stake in its success.

These nine points, in my view, constitute a minimum standard of a market economy. I cannot imagine how the Senate could reject this amendment. If we reject this, then the message to the Latins would be they could continue with the failed Socialist economic policies of the past and the United States would continue to pour in overly generous amounts of economic assistance.

This amendment requires a very simple decision: Whether the U.S. Senate supports the principles of the free market which has shown to work in the past, or the failed socialism which so many have vigorously rejected.

Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

(Mr. DODD addressed the Chair.)

The PRESIDING OFFICER. The manager of the bill has a question?

Mr. DODD. Mr. President, I ask unanimous consent there be no second-degree amendments to the Helms amendment.

Mr. SYMMS. Mr. President, if that is the case, I withhold my second-degree amendment.

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

Is there objection to the request of the manager? Without objection, it is so ordered.

The distinguished senior Senator from Connecticut.

Mr. DODD. Mr. President, today the Senate is considering S. 100—the Central American Democracy and Development Act—a bill authored by our distinguished colleague from North Carolina, Senator TERRY SANFORD.

Like it or not, this country has been deeply involved in the policy of Central America for decades. The forces of history have conspired to make it so. From the departure of the Spanish Conquistadors in the 1820's, to the fall of Somoza in the 1970's, to the ouster of Noriega in 1989, we have, sometimes for better, sometimes for worse, left our mark on the nations of Central America, both individually and collectively.

In the not too distant past, I believe that our policy with respect to the region was often misguided. It served to remind us of another day, another time in U.S. history. It sought to resurrect the ghost of Admiral Mahon and the era of gunboat diplomacy. It attempted to justify a flawed policy in the name of the cold war and East-West confrontation.

Fortunately, something quite remarkable began to happen in 1987. Central America leaders decided the time had come for them to fashion a regional policy to deal with the conflict and misery which, for far too long, had characterized life in the region. Those efforts culminated in the Esquipulas peace plan which has been an inspiration for all of us who are concerned about the Central American region and our relationship to it.

The legislation before us today is about the nature and quality of a policy that will effect the lives of the 25 million people who call Central America their home. It seeks to articulate a policy that is consistent with the values, traditions, and aspirations which have helped to shape this country; a policy that sets forth standards which have the broad-based support of countries in the region as well as democratic nations throughout the world. This bill encompasses a coherent and effective policy for Central America.

The policy set forth here would seek "to encourage and support the Central American countries in their efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions." This is a policy that will most certainly be welcomed and embraced by the leaders and by the people of Central America.

Mr. President, I am not one of those who shy away from involving the United States in the affairs of this hemisphere, whether in Mexico, the Caribbean, Central America, or South America. We live in this neighborhood. We are involved.

The issue is the nature of our involvement, whether it promotes our interests and the interests of the region. This is why the Sanford bill has my full support, it serves our mutual interests in a region of the world that is important to us.

Mr. President, in order to expedite this debate, if I could, I would like to just take a couple of moments to offer my highest possible praise to the junior Senator from North Carolina [Mr. SANFORD] for what has been a remarkable labor over the last 4 years now. Senator SANFORD, at his initiative, commenced a commission which included more than 47 individuals, people from the United States, from industry, from academic institutions, from nonprofit organizations; people tremendously knowledgeable about Latin American politics, and economics. Numerous leaders from Central America and other nations, all of whom brought special knowledge, awareness, and expertise regarding Central American policy.

It was a tremendous effort, Mr. President. In fact, it was an effort that culminated in a 150-page report of its findings—a report which one should read in the context of the legislation being offered.

I would suggest to my colleagues that rarely have we seen an individual, a Member of this body, willing to take on the Herculean task of bringing together so many different elements with disparate points of view—conservatives, progressives, members from the private sector, from the public sector—to try to analyze as effectively as they could what things ought to be done for Central America—a region with a painful and tragic history dating back more than a decade—what ought to be done in order to improve the quality of life from both an economic and political standpoint.

Of course, the Commission concluded that democracy obviously is the key. Democracy in the sense of open institutions, individuals freely elected by the people of these nations. These things are the underpinnings and foundation on which any future must be considered. The Commission made some very strong recommendations in that regard.

Second, while the legislation does not enumerate in detail the various economic policies Central American governments ought to adopt, the report does. The report discusses at some length the various initiatives, many of which the Helms amendment includes. I will quote, Mr. President, from page 7 of the report:

Central America should expand and diversify its export products and markets. Disincentives to trade should be removed, and governments should reduce distortions that prevent the efficient allocation of investment.

It goes on:

Efficiency and equality can also be enhanced by profound reforms of tax systems, the liberalization of financial policies, and the reduction of governmental inefficiency and overextension.

It continues on pages 8 and 9 as well, enumerating many of the things the senior Senator from North Carolina asked to be included in this legislation.

For those who are concerned about whether or not this legislation is somehow embracing socialist economic policies, I merely urge them to turn their attention to this report. The report addresses in great detail all of the various economic theories and ideas for addressing the economic situation in Central America. It seems to me that such detail is more appropriate for a report than for the legislation.

So, by reviewing this report, we can, of course, see that this Commission, over 2 years, did consider and include many of the ideas the senior Senator from North Carolina is asking us to accept with his amendment here today.

The legislation of the junior Senator from North Carolina is endorsed and supported by some 33 Members of this body, almost equally divided between Republicans and Democrats, conservatives, liberals, moderates, covering the wide spectrum if you will of political thinking in this body. It is a testimony to his hard work, bringing together as diverse a constituency as that Commission included, and embracing all of the various ideas and thoughts that ought to be included. It was well thought out, well-constructed after good debate. This is clearly evidenced by this approximately 150-page report that enumerates the various ideas and suggestions necessary.

This is not just some idle piece of legislation; not just some "feel good" legislation. For the first time we are seeing a real blueprint. So we do not do what the senior Senator from North Carolina has suggested; that is just dump millions of dollars of aid, year after year, in countries without considering and thinking about the political, social, and economic institutions that they ought to embrace. Issues such as have been suggested by the senior Senator from North Carolina. He is right. As the junior Senator is equally so.

These are the kinds of things we believe will make a difference. But, frankly, the report enumerates those ideas in some complexity here, which is really the proper place for them.

Mr. President, I want to conclude by again commending the junior Senator from North Carolina for the stellar work he has done, not only for the people of Central America but, far more important, for this country. In outlining a framework, through this legislation he will establish a structure by which we can start to talk about economic development, meaningful democracy for these nations, and hopefully prosperity and hope for the people of Central America who have been subjected to dreadful conditions for far too many years. I urge the adoption of this legislation.

With all due respect to my good friend and senior Senator from North Carolina, I urge that his amendment be rejected with the understanding that much of what he has suggested has been recommended by the Commission's report that has been filed with the Foreign Relations Committee as an addendum to the legislation considered today.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The senior Senator from North Carolina.

Mr. HELMS. I thank the Chair. Madam President, first of all, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Second, I ask unanimous consent that the distinguished Republican leader, Mr. DOLE, be added as a principal cosponsor.

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

Mr. HELMS. Now, Senator DODD is my friend. He was easy on me. He says that the provisions of my amendment are incorporated in the report language.

As everyone knows, report language is not worth a bucket of warm spit.

Let me ask the Senator from Connecticut, who is my friend, do you object to the insistence upon privatization of State-owned economic entities as a condition for giving foreign aid to Latin American countries?

Mr. DODD. Not in every case. Ideally——

Mr. HELMS. Excuse me?

Mr. DODD. I would say not necessarily in every case, any more than we have 100 percent privatizations in this country. For example, we have public utilities in a number of States. They are not privately owned. But they do a very good job, and operate efficiently. Some might argue, for instance, that we made a horrendous mistake when we decided to break up ATT and suddenly saw the emergence of a lot of private companies running around. Some might argue that we had better phone service under a regulated monoply. Certainly, we have seen instances where oil, gas and electrical utilities, in various States, have worked.

I would say a blanket proposal in all instances, in every single case, that privately owned utilities are always the best and most efficient form of production is a statement that would be difficult to make in this country, let alone in Latin America.

In many cases private companies are the most efficient and cost effective way to conduct business. In Argentina, we are seeing where a policy of privatization is underway. As as philosophical point, you have to be careful embracing it across the board and suggesting in every single instance that 100 percent privatization of all industries ought to be a requirement for foreign aid. As we all know, publicly owned institutions have served our constituents throughout this country very well over the years. I do not know what the conditions are particularly in North Carolina, but in my own State, public utilities have done well.

Mr. HELMS. Did the Senator from Connecticut vote for the SEED legislation in Eastern Europe?

Mr. DODD. I did.

Mr. HELMS. All nine of these provisions were included in that legislation word for word.

Mr. DODD. I said I saw that was the case. In addition, I might note that in the SEED legislation there was direct aid, involved. The SEED legislation was not just a statement of policy, but also involved a specific commitment of U.S. dollars.

Mr. HELMS. What, then, is this legislation? The bill says it is U.S. policy "to provide additional economic assistance to Latin America in the future."

Mr. DODD. The pending legislation does not contain any specific foreign aid authorization. It sets forth a general framework by which we may consider future assistance requests.

The bill also embraces the Enterprise for the Americas initiative, which I think is an excellent proposal by the Bush administration, dealing with debt, foreign investment, and trade.

This is a very good initiative.

This pending legislation, which I am sure my distinguished friend from North Carolina knows, is supported and endorsed by the Bush administration, in particular the Agency for International Development and the State Department. They think it contains very, very good ideas.

These are some very real distinctions between the SEED legislation and S. 100.

Mr. HELMS. You have no objection to the implementation of this insofar as Eastern Europe, is concerned?

Mr. DODD. No; I had some concern——

Mr. HELMS. I am trying to figure out what the Senator is saying. What is the difference?

Mr. SANFORD. I wonder if the Senator will yield and let me point out——

Mr. HELMS. I will yield to you in just a minute. I want the Senator from Connecticut to answer the question.

Mr. DODD. The distinction is the SEED legislation specifically provides direct aid. S. 100, has no foreign aid component. It does not ask Congress to approve any funding for Central America. This bill is very worthwhile; more than what the distinguished senior Senator from North Carolina suggested it might be worth.

Certainly, we have seen a number of reports whose conclusions have had a real impact on policy. Basically, the conclusions of the Commission's report are the same as were included in the SEED assistance. Let me read. It says:

The President should ensure that the assistance provided to Eastern European countries pursuant to this act is designed to contribute to the development of democratic institutions and political pluralism characterized by the establishment of fully democratic and representative political systems based on free and fair elections, effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association, termination of all laws and regulations which impede the operation of a free press and the formation of political parties, creation of an independent judiciary, and establishment of nonpartisan military, security, and police forces; to promote the development of a free market economic system characterized by privatization of economic entities, establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations.

And it goes on to enumerate some of those particular points.

Certainly, if you read the Commission's report, many of those things are included. I would note that the SEED legislation uses the phrases "to promote," and "designed to"—I think that language is certainly loose enough to suggest that, for instance, if for whatever reason, the Government of Hungary decided to operate its electrical lights in Budapest through a public utility rather than a private one, we in this body would not deny aid to Hungary, nor would the SEED legislation mandate it.

Are we going to say to the people of Poland, if they decide they are going to have a public mass transit system in Warsaw, that we are not going to provide any help to them——

Mr. HELMS. Madam President, I am going to regain the floor.

Mr. DODD. I want to answer my colleague. I think it is important.

Mr. HELMS. Will we conclude before 5 o'clock?

Mr. DODD. We will. I want to make the point that in allowing these countries some flexibility in deciding how they are going to reform their economies, certainly my colleague from North Carolina would not say cut off all aid to Poland because it has a mass transit system publicly owned.

Mr. HELMS. Will the Senator tell me which of these nine will cut off mass transit?

Mr. DODD. Privatization of State-owned entities.

Mr. HELMS. We are talking about banks.

Mr. DODD. That is——

Mr. HELMS. Economic entities.

Mr. DODD. Now you are getting more specific here. So you are in favor of public transportation, public utilities in these countries?

Mr. HELMS. In most countries, they are a fact. Are you in favor of insisting upon the establishment of full rights to acquire and hold private property?

Mr. DODD. Absolutely. I think that is included in the report language here.

Mr. HELMS. Why not put it in the language of the legislation?

Mr. DODD. As I say, it is included.

Mr. HELMS. No, it is not.

Mr. DODD. This approach, I would say to my colleague, gets far more specific than is really necessary.

Mr. HELMS. That is the Senator's opinion. I still have the floor?

Mr. SYMMS. Will the Senator yield for a question?

The PRESIDING OFFICER. The Chair clarifies that the Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair. Yes, I yield for the purpose of a question.

Mr. SYMMS. I will ask the Senator, the distinguished author of the amendment, but I also ask through him to the distinguished manager of the bill: Do the Senators agree with my premise that when Adenauer was named as Chancellor of West Germany, that that is when the economic boom started?

And I wonder if my colleague from Connecticut would not agree with me that when they freed the economy in West Germany in 1948, that is when the boom started?

Mr. HELMS. I sure do.

Mr. SYMMS. Does the Senator agree with that?

Mr. DODD. Since my colleague has asked me a question, let me also——

Mr. SYMMS. Of course, you were very young in 1948.

Mr. DODD. It made a great deal of sense, and I strongly support that.

Let me point out one fundamental distinction here, if I may, between what is included in the Sanford bill and what the distinguished senior Senator from North Carolina proposes.

The language in the SEED legislation, which the Senator from North Carolina has said he is tracking said, "The President should ensure." That language is permissive, Madam President. Whereas in the Helms amendment, the provision includes the phrase "to assist the Central American Governments, provided that." That is mandatory.

Mr. HELMS. By George, I think you have it.

Mr. DODD. There is a fundamental distinction between the two propositions. The SEED legislation says this is what we would like you to do. Certainly, that would be fine. In the senior Senator's language, he says you must do these things. I think, frankly, that is going a bit far.

Mr. HELMS. In order to spend the American taxpayers' money, I think it is reasonable. Does the Senator object to that?

Mr. DODD. Yes; I think that is going too far.

Mr. HELMS. Now we are beginning to delineate.

As a matter of principle, the Senator has not indicated that he disagrees with any of the points 1 through 9.

Mr. DODD. No, except they go, as the Senator says, into the privatization areas he is talking about——

Mr. HELMS. We have covered that. Which specific points does the Senator not like?

Mr. DODD. Certainly the whole idea of promoting private property ownership is something I would like to see. However, the Senator from North Carolina has opposed some of the Latin American land reform measures over the years that would have allowed property to be distributed to smaller farmers in those regions.

Mr. HELMS. Since I have the floor, let me say that I warned the Senator from Connecticut and others back when all of this foofaraw about land reform in El Salvador was taking place that it would not work, and today not one farmer has gotten title to any land in El Salvador. It has been a complete flop.

Mr. SYMMS. Will the Senator yield for further comment?

Mr. HELMS. Yes.

Mr. SYMMS. Not only that, the people who owned the property were given worthless paper.

Mr. HELMS. Exactly.

Mr. SYMMS. It is a little different when it is confiscated.

Mr. HELMS. It is a flop.

Mr. SYMMS. That is why it failed.

Mr. HELMS. Right. I understand the Senator is doing the best he can to defend the position of my friend and my distinguished colleague from North Carolina. He has said that he does not object to anything in my amendment in principle. Now, I just hope that the Senate will stop this business of rising above principle. Either we mean something or we do not. If this amendment is made a part of the bill, we will be telling the American taxpayers, first of all, that they will not be required to furnish any money to support a socialist government in Latin America. That is it, pure and simple. And we spell out nine provisions. That is all my amendment does.

The Senator says, "Oh, well, the provisions of your amendment are in the committee report." Big deal. Nothing will be done unless they are included as part of the bill. I say that if the U.S. Congress is going to continue to require the American taxpayers to cough up billions of dollars to send to foreign countries, at least there ought to be

some guarantee that the taxpayers are not supporting a socialist government which is oppressive to the people. That is it, pure and simple.

Now, Madam President, did we get the yeas and nays on the Helms amendment?

The PRESIDING OFFICER. Yes.

Mr. HELMS. I yield the floor. I thank the Chair.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ATTACKING THE PRESIDENT

Mr. SPECTER. Madam President, the issue which is presently on the floor involves free trade with Latin America. That may be a tenuous connection for what I am about to address. Nevertheless, I have been waiting on the floor all day to try to find a moment to reply to charges leveled yesterday by Congressman GEPHARDT against President Bush.

Yesterday, on the floor of the House of Representatives, Congressman RICHARD GEPHARDT claimed that President Bush, without a shred of evidence, is accusing the opponents of his trade policy of engaging in racism.

This, Madam President, is precisely what Congressman GEPHARDT said. It appears at page 10754 of yesterday's CONGRESSIONAL RECORD.

President Bush let the graduates of Hampton University and all of us down yesterday when, without a shred of evidence, he accused opponents of his trade policy of engaging in racisim.

Madam President, I have closely read the entire speech of President Bush. I ask unanimous consent that at the conclusion of my remarks it appear in its entirety in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. The only comment which President Bush made which was cited by Congressman GEPHARDT was at the end of a paragraph which reads as follows:

And our future depends on trade. We've asked Congress to extend the fast track trade procedures that presidents have been able to use since 1974. Without fast track, we will have trouble moving foward with critical trade initiatives, including the Uruguay Round of the GATT talks, North American Free Trade Agreement and the Enterprise for the Americas Initiative. Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track.

Madam President, it is based upon the last statement by President Bush that Congressman GEPHARDT has accused the President of engaging in racism. On its face, this asssertion is preposterous. All President Bush said was "Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track."

Congressman GEPHARDT also claimed that the accusation was unfounded evidence. However, the White House did provide comments from Secretary of Labor Lynn Martin, detailing the basis of the President's remarks.

The central point, Madam President, is that there was a very constructive speech made by the President, and what Congressman GEPHARDT has objected to here is that President Bush did not use the occasion of the speech, which was, as Congressman GEPHARDT says, to "a predominantly black college," to talk about the civil rights bill.

Madam President, the President's speech was an important speech and entirely appropriate for a college commencement address, not that the President has to make explanations to anybody about what he wants to say. He started off by talking about the confrontation in international affairs. He moved on to discuss the educational system, mentioning the Head Start Program. He then moved into a discussion about housing reform, then taxation, and then about free trade. Simply stated, he talked about matters of enormous importance of college graduates. His comments were appropriate for, as Congressman GEPHARDT calls it, "a predominantly black college." I for one would not choose to characterize any audience. All audiences at a commencement are audiences of students and parents. They are all audiences of Americans. They ought to hear whatever the speaker decides to talk about. Whether he or she is the President of the United States or anyone else, without being subjected to this kind of ridiculous criticism.

But President Bush did say this of special importance, "We must free people who have been held back by barriers of discrimination." President Bush continued:

The programs that I've discussed today give every American, rich or poor or middle class, white or black or brown, a fair chance to pursue his or her destiny. And they try to harness the engine of ambition in service to the common good. They do not divide people along race or class lines; they give everyone a shared stake in everyone else's success.

The President went on to say:

We have a chance to rekindle the kind of optimism that characterized the civil rights movements of the 1960's—one in which men and women of all races and backgrounds joined to pursue goals that we all hold dear: opportunity, prosperity, justice, freedom, tolerance.

So if you are looking for something appropriate for a speech in front of which Congressman GEPHARDT would characterize "a predominantly black college," the President had plenty of that in his speech.

Congressman GEPHARDT then accuses the President of inappropriate conduct in vetoing the civil rights bill of last year and says that this is not the first time George Bush has used the politics of racial resentment. "Who can forget some of the tactics of the 1988 campaign." He goes on to talk about the Civil Rights Act. I know from personal experience that President Bush was deeply interested in securing passage of a civil rights bill. I disagreed with the President on his position and was one of the leaders on this floor last year in trying to pass the civil rights bill over the President's veto.

However, I know the President was sincere in wanting the civil rights bill because he called Senator DANFORTH of Missouri, Senator JEFFORDS of Vermont and myself into his office and asked us to work for a civil rights bill. He talked to us repeatedly, including one long Sunday night telephone conversation with me when he was in the midst of the problems with the gulf war. He tried very hard.

He did not agree with ARLEN SPECTER; he did not agree with RICHARD GEPHARDT. But that does not mean his motives were biased or that he was trying to scuttle the Civil Rights Act.

I think that the President was really on target when he said in a speech at the University of Michigan, I believe it was, that "we must conquer the temptation to assign bad motives to people who disagree with us."

I believe that when Congressman GEPHARDT takes the floor of the House of Representatives to deliver a well-prepared speech which drew considerable attention in the New York Times and the Washington Post that there ought to be a reply. When Congressman GEPHARDT makes a statement that President Bush—he calls him George Bush in the statement—uses "the politics of racial resentment," he treads perilously close to a charge of racism. In fact, I think it really crosses the line.

I do believe that this kind of charge has a place other than in the CONGRESSIONAL RECORD and on the floor of the U.S. House of Representatives.

I made this without consultation with anybody at the White House because I think that we ought to move ahead on the substantive issues. How anybody could conceivably say that the comments of the President constitute racism is absolutely bewildering.

I think I have taken up a relatively small amount of time, Madam President, in the midst of this debate. I think this is something which needed to be said. I thank the the Chair. I thank my colleagues.

I yield the floor.

EXHIBIT 1

ADDRESS BY THE PRESIDENT AT HAMPTON UNIVERSITY COMMENCEMENT, MAY 12, 1991

The PRESIDENT: Thank you very much. President Harvey, Senator Warner, and Congressman Bateman, and members of the University administration, and especially the Class of 1991. (Applause.) May I thank the class president, Carvel Lewis, for his re-

marks; pay my respects to the faculty, and to Mr. Dillard and this magnificent choir.

My first exposure to music at Hampton was in the year either 1935 or 1936, when one of your predecessor singing groups came to Eastern schools. And this is a magnificent tradition of Hampton.

And let me say to those who graduated 50 years ago, you don't look so old to me. [Laughter.]

One of the pleasures of coming here is getting to know your university president better. You know, President Harvey is an avid tennis player. Really avid. When I shook his hand he corrected my grip. [Laughter.]

At any rate, it's a real pleasure to join with you today I'm the ninth President to visit your campus—and I might say that eight of them have been Republicans. [Laughter.]

Hampton is an elite institution. It boasts the largest endowment of any historically black college or university in the United States. Its graduates contribute daily to our national progress and national well-being. Patricia Stevens-Funderburk, Hampton '71, whom you honor today, serves in our Department of Health and Human Services. Patricia, congratulations to you for this fine award. [Applause.]

As President Harvey said and Carvel said, you all will make your marks in the world. And today I'd like to talk about the new world that you will enter—a world no longer divided by superpower confrontation, but engaged in economic competition and international cooperation.

You in this magnificent Hampton Roads area understand this world better than most. More than 100 firms in this region conduct business beyond our borders. And when many of you leave this university, you'll look to distant shores, places where you hope to spread American ingenuity—your ingenuity.

You ought to be excited about your opportunities. I know that I am. We stand on the verge—if you look around the world you'll understand this—we stand on the verge of a new age of freedom. If we build upon our strengths, if we join hands as a people, we will build a nation and a future unlike any ever seen in human history.

Our first and greatest strength, of course, is our intelligence, and our greatest tool for developing that strength is our educational system. But we have to be honest with ourselves: Contrary to your tradition of excellence, our educational system as a whole has slipped in recent years. Test scores continue to fall. Dropout rates soar in many of our school systems. Businesses complain that some high school graduates don't have the basic reading, writing or math skills. And meanwhile, our elementary and high school students don't compare well to those in other industrial countries in math, science, and even in American geography.

We've got to do better. We ought to improve our schools the old-fashioned way—through commitment and competition. Our America 2000 strategy tried to make a quality education available to every child and every citizen who wants to learn. We have challenged Americans to reinvent the American school—not to improve it, but to reinvent it—not by turning the task over to experts in Washington, but by inviting a nationwide competition to create better schools.

The concept of choice—letting parents choose schools for their children—plays a role. Its time has come. Polls show that 62 percent of the American public favor choice, and 72 percent of minority Americans advocate choice in the schools.

This should surprise no one, because choice means hope. It lets children from poor neighborhoods enroll in the same schools as our children from wealthier ones. It gives parents the freedom to find good schools for their sons and daughters. It frees students from the tyranny of inadequate education.

We've encouraged communities and businesses to roll up their sleeves and help; communities, by taking on crime and hunger and other disturbances that make it almost impossible to learn; businesses, by contributing expertise to local schools and by developing education programs at the workplace. You've set a great example right here with Hampton Harbor. You've built a successful commercial-residential area, and you're turning the profits into student scholarships.

We remain committed to such programs as Head Start, which help prepare young students for school. It works. As long as I'm President, it will be adequately funded and it will keep on working. (Applause.)

The business of education is the business of creating a better world. A good education lets you see possibilities you would never have imagined before, and reach them. But education is also a commitment of labor of love.

I recently got a letter from an Army sergeant serving in Saudi Arabia. He talked about his daughter. And he wrote, "I am very proud of her and would like for her to know this: I am thinking of her even as I sit in the Gulf, serving my country."

Nilka Bacilio, who will receive a Bachelor of Science from the School of Education and Liberal Arts, with honors in Therapeutic Recreation—your dad says, "Hi." (Applause.)

Other parents here have written me, and I want to thank you all. Nothing is more natural, no feeling more fulfilling than having pride in your kids. And when I talk about educational choice or educational reform, I always remember a crucial truth: We can't go anywhere without the support of the people who love us, who believe in us. And if there is any advice I can give today, it is this: Cherish those who give you this kind of lift, and return the favor whenever you can. (Applause.)

Speaking of educational excellence, let me pause now to honor Dinee Riley, who has achieved the highest grade point average of anyone in this class. (Applause.) It is my privilege and honor to hand her her diploma—a biology major, 3.95. (Applause.) What a magnificent record. Dinee, you and your classmates should be proud of your acccomplishments. And now comes the challenging part, making use of knowledge once you get out of school.

As a nation, we must give everyone a chance to make full use of their imagination and intelligence. Our administration does this by trying to remove barriers to progress. We want to free people now trapped by self-doubt and despair.

We've put together an ambitious housing reform package. We call it HOPE, which extends the dignity of home ownership to people who live in public housing communities. The idea is simple: Give people assets; give them permanent wealth, not just consumable scraps of paper; offer people independence; don't hold them in the bondage of dependency. HOPE offers an ethic of encouragement. It encourages people to take an active part in building better lives for themselves, for us all.

(We must free people who have been held back by barriers of discrimination. This administration will fight discrimination vigorously, because a kinder, gentler nation must not be gentle or kind to those who practice prejudice.) (Applause.) We must free people bound by red tape and unnecessary regulation.

Last year, Americans devoted 5.3 billion hours to filling out regulatory paperwork—5.3 billion hours at a cost to the economy of $185 billion; and this can't continue.

We must free people from the specter of punitive taxation, which takes money that might otherwise buy a home, pay for a child's college education or establish a family nest egg. The controversial budget agreement that we signed last year restrains the growth of federal spending. It offers hope that workers in the future will be able to spend less time working for their tax collector and more time working for their families.

We must free people to create the next great invention. Our administration repeatedly has sought a cut in the capital gains, a tax on the wealth that you will create. That tax is a tax on ideas, on innovation, on the American dream.

But mainly, we must free ourselves from doubt. We must free ourselves from fear. We can't afford to hide from the rest of the world by erecting protectionist walls. If we want to learn, we have to compete. If we want to test ourselves, we have to compete. And if we want to take full advantage of all the world's diverse cultures, ideas and innovations, we have to compete. Our future lies in the world economy.

Last year, exports accounted for 84 percent of our economic growth. Between 1986 and 1990, our exports to the rest of the world increased 73 percent, and exports to our major competitors grew even more; to Germany, 80 percent; Japan, 82 percent; the European Community by 87 percent. We exported $673 billion in goods and services last year.

And our future depends on trade. We've asked Congress to extend the fast track trade procedures that presidents have been able to use since 1974. Without fast track, we will have trouble moving forward with critical trade initiatives, including the Uruguay Round of the GATT talks, North American Free Trade Agreement and the Enterprise for the Americas Initiative. Unfortunately, some of the opponents of free trade have resorted to slurs against our Mexican neighbors in the hopes of derailing fast track.

I can think of no more revealing contrast between a free-enterprise view of the human community and the protectionist view. Prejudice is usually nothing more than a breed of cowardice. People afraid to test themselves, or to risk challenging their assumptions hide behind restrictive laws and restrictive walls.

If we want to lead the post-Cold War world, we must not build walls of prejudice and doubt. We must involve ourselves in the world around us. We must build ties of mutual interests and affection everywhere. And the same sentiments ought to guide us at home. In the end, prosperity requires trust. You cannot build a business if you spend all your time worrying about being cheated or conned or attacked. True brotherhood represents the key to happiness and growth.

The programs that I've discussed today give every American, rich or poor or middle class, white or black or brown, a fair chance to pursue his or her destiny. And they try to harness the engine of ambition in service to the common good. They do not divide people along race or class lines; they give everyone a shared stake in everyone else's success.

We have a chance to rekindle the kind of optimism that characterized the civil rights movement of the '60s—one in which men and

women of all races and backgrounds joined to pursue goals that we all hold dear: opportunity, prosperity, justice, freedom, tolerance.

So today, you assume responsibility for shaping an international commonwealth of freedom. Believe in yourselves. Trust in yourselves. Don't abandon your passion for ideas or causes. Work hard, but serve your community. Attend to the thousands of tiny deeds that constitute a good and decent life, treat yourself well and respect others. Be a point of light. Build a truly good society.

To you, and to the friends and especially the families who have supported you over the years, congratulations. Thank you for letting me share in your commencement exercises. And may God bless you and God bless the United States of America. (Applause.)

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. I ask for the yeas and nays on final passage of S. 100.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANFORD. Madam President, I will be very brief. I believe, when I finish, the other side is ready to proceed with the vote on the amendment, and then on final passage.

The distinguished Senator from North Carolina, my colleague, has presented an amendment that on the face of it, states fairly sound principles we would like to see governments generally follow, but not necessarily. For example, he would require in this amendment the dismantlement of wage and price controls, which is something that may very well be needed in those particular economies. He would require the removal of trade restrictions, including restrictions both on imports and exports.

I will not go any further, except simply to say that he and I have joined together to maintain trade restrictions on textiles now for all the years that I have been in the Senate. But that is not the main point. My main point is that this approach is entirely different from the SEED I, where we were setting up a policy, providing money, and then laying out the terms. S. 100 does not do that at all. It simply commends the Central American Presidents for the adoption of their own development bill that is based on their own development study.

The thing that needs to be remembered about this study and about this bill is that this international commission studying the development prospects of Central America represents the first time in history of these nations that they have had a development bill drawn up primarily by citizens of Central America. It was not something that we got up here and called the Alliance for Progress and gave to them. Here, for the first time, they have drawn up their own blueprint for free enterprise, their own blueprint for prosperity and economic growth. It is their plan.

The purpose of S. 100 is to say we, the United States, are going to stop handing you the details of plans. We are not going to draw up the blueprints and place them in your hands. We are going to treat you as a partner. It uses that language specifically. The whole idea behind this bill is that it says to Central America, we have confidence in you. We have watched you come now from dictatorships to shaky interim governments, to five freely elected democracies. We are proud of that accomplishment that means much to the stability of our hemisphere.

A couple of weeks ago I took 15 business people from North Carolina down to Central America. Efforts are being made to get their economies on a strong market basis. We saw that you can buy a powerplant down there, you can buy a telephone company, and you can buy a cement plant—they have them all up for sale. They are attempting to move as much business as possible back to the private sector.

You will also find in Nicaragua the first extensive piece of legislation in Central America that provides for a wide-open and free banking system. This is a marked contrast from the rather successful banking system in Costa Rica, which is 94 percent owned by the state, or at least 94 percent of the banking is done by the state bank.

So they are moving. They are moving very deliberately and I think with a great deal of planning, and with wisdom toward a free economy. No one who has visited can doubt that is the case.

What I do not want to do, and what I did not want to say is that we are going to tell them how to go about their free enterprise, or how to go about their democracy. The people of the Central American countries have fought, bled, and died for free enterprise. They brought their countries back around and are moving in the right direction.

S. 100 gives encouragement to that type of movement. It would be entirely contrary to the very purpose of S. 100 to amend it in a way that does the very thing the rest of the bill says we are not going to stop doing. We are not going to tell Central America that you have to do all of these things or we will not speak to you.

They are free, independent countries. If we want to, at some point in time, if we provide any substantial aid, we can place any kind of restrictions we want on it. But right now that is not the purpose.

Senator HELMS and I had a good friend named Kerr Scott who served in this body. And one of his stories, I remind my senior colleague, was about a piece of legislation that someone had. Kerr Scott said this legislation reminded him of when old Henry Warren was cleaning a fish. He had that fish, he had a knife, and the fish was wiggling. He said, "Hold still little fish, I ain't going hurt you. I'm just going to gut you."

I submit that this amendment would gut S. 100 because it is exactly contrary to the philosophy of the bill.

We have come to the place in time where I think we need to quit telling Central Americans in detail how to do their business, when it is very clear that they have voted their democracies in, and that they are headed toward market economies. We need to make certain that they continue on that path without the kind of domination and dictation that they have received from this country for over 100 years.

That is the purpose of the bill. Senator HELMS sees it differently. He would like to attach more strings to the legislation. I understand that. I simply say that that is not the purpose of S. 100 and it would indeed defeat the purpose of S. 100. But I am perfectly willing—having heard all of the arguments—to go forward with a vote on the amendment and then a vote on the bill.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS. Madam President, sure they are free and independent countries. I made that stipulation in my earlier remarks. All I am saying is that they have the choice; if they want the American taxpayers to cough up additional billions of dollars in assistance to them, then they have to meet certain criteria. If they do not want American taxpayers' money, they can continue along the lines of socialism, which now exist.

Let me point out on page 7 of the bill, line 13 says—this is the Sanford bill provision—"It is the policy of the United States," and so on, and it says what the policy is: "to provide additional economic assistance to the countries of Central America."

If we are going to dump more foreign aid down there, do not dump it in the laps of the people who are the problem in the first place. The American taxpayers are entitled to have these guarantees that their money will not be wasted and stolen by fraud, as has been the case in so many countries. They have the option, free and independent, sure. Let them make that judgment.

I think that 99 percent of the American people, when given the option of the Helms amendment, would say: Hang in there, Jesse. So that is all I am saying. Let us have some guarantee or change on this foreign aid the San-

ford bill says is going to be forthcoming in an additional amount on page 7, line 20. It is saying we are going to give you more money, and then it has all of the illusory ethereal comments about "should" and "would" and that sort of thing. I think, in protection of the American taxpayer, we ought to nail it down. I suggest that we go ahead and vote.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Madam President, briefly, before we vote, as our colleagues will be coming to the floor, I find it absolutely incredible that the majority would not accept this amendment. I cannot imagine going home to my State and talking to high school classes, like I did during this past recess break, and talking at town meetings, and people constantly ask the question: Why do we keep dumping this money down a rathole? My answer, usually, is—and you feel like you are repeating yourself—it would not be so bad if we were promoting an opportunity for those people to benefit and gain economically.

Look at what has happened, for example, in Taiwan. American aid certainly had a major role in helping Taiwan get its economic start. But they also had leadership in the country that recognized the virtues of the rule of law and private ownership and a market system and a convertible currency. They basically followed this kind of a pattern, and it has been a real miracle of economic success. South Korea has been a miracle of economic success. Japan has been a miracle of economic success. West Germany has been.

Why would this Congress not want to help our friends, our fellow Americans? They have lived their entire history with corrupt leadership; in many instances, mercantilism to the worst order, state-owned graft and corruption, where the way to do business is to have influence that you can buy from the local politicians.

All Senator HELMS' amendment does is say that we are going to privatize the state-owned economic entities, and we are going to establish full rights to acquire and hold private property. What Senator could be opposed to that?

Simplification of regulatory controls regarding the establishment and operation of a business. That is what we ought to be doing in the United States, if we want to continue being the leaders in the free world. If we do not, we are going to have a second-rate economy, and it is happening to us very fast because of an excessive regulatory activity going on in this country. At least, if we can get this done, maybe there would be someplace saying—regarding free enterprise—we can look and see how they do it there.

Dismantlement of wage and price controls. We have discussed this. This is in record after record. In this country we used to control the price of natural gas and petroleum. When President Reagan took office, he got rid of it. Guess what happened? The price went from $40 to $20 a barrel. During the war, it went back to $40 a barrel, and now it is back down. The prices have a way of working, if you free the markets.

Removing of trade restrictions. We know that would help those countries. They force people to pay excessively high prices to prop up inefficient industries that are government protected at the expense of the people in the country.

Madam President, we are talking about people—humanitarian opportunities for people. If we are going to deny them an opportunity to live in an economic system, why are we sending money down there to prop up corrupt regimes in many places?

Tax policies would provide incentives.

Liberalization of savings investment capital. Establishment of the rights to own and operate private banks and other financial service agencies. Private banks operating in a market system would have to be honest to stay in business.

Access to a market for stocks, bonds, and other financial instruments. How can a Senator oppose this? I hope the vote will be 100 to 0 in favor of the Helms amendment. If it is not, what kind of a message are we sending, not only to Latin America, but to the American people? Have we lost faith in the economic system that has been the engine of prosperity, that has driven the forces of freedom throughout the past 200-plus years of this country?

Madam President, I say that the Helms amendment is the least we can do. I also say that if we want to have a successful aid program—and Senator HELMS may have the answer to this, but if you add up all of the dollars that the United States spent on foreign aid, and the interest, it adds up to be a lot of money.

It is true that our foreign aid bill is not a big part of our Federal budget. But the sad part of it is that most of the foreign aid dollars that we send out of this country promote bankrupt, economically unsound, and in many cases corrupt, economic entities, because there is no market to measure their honesty, no accountability through a market system. That is why the Helms amendment should be added to S. 100, and then all Senators can enthusiastically support the bill, because then we would be doing something that would be helpful to our friends south of the border, who I remind my colleagues are fellow Americans.

I yield the floor.

Mr. SANFORD. Madam President, in response to the Senator, the message that we would send to the rest of the world would be the same message we sent after World War II, when we supported the Marshall plan. You will remember that the Marshall plan was not put together by Secretary Marshall. It was put together by the people of Europe. In fact, General Marshall said at a Harvard commencement exercise, "You come up with a plan, and we will try to help you."

S. 100 is a mini Marshall plan. We have said, come up with a plan and we will try to help you. I think that is the appropriate message. They came up with a plan, and I hope we will try to help them. I also hope this might set a pattern for others regions of the world.

I think we can be secure in the knowledge that the Central American countries believe in free enterprise and democracies. Democracies, in many cases, elected by so much toil and bloodshed. The message is they have developed their own, plan and it appears to be working. This is the reason I do not want to take away any of the valid points made except this is not the place for us to give that message.

I simply wanted to answer the question as I see it with the reason that I put this bill in.

Mr. SYMMS. Mr. President, will the Senator just yield for a question?

Mr. SANFORD. I yield.

Mr. SYMMS. The Senator will agree with me we should benefit from what happened historically and when the Marshall plan started really making headway is when economies were freed in Western Europe such as West Germany, such as Konrad Adenauer was doing. This is exactly what this calls for. I think we want to encourage that.

Mr. SANFORD. We do encourage it. We encourage it by leaving it to their initiative just like we left it to the initiative of Adenauer.

Now I am ready to vote if my distinguished senior colleague is.

Mr. BIDEN. Mr. President, I oppose the amendment by the senior Senator from North Carolina. Quite frankly, it is unnecessary. The bill before us today—the Central American Democracy and Development Act—already addresses the promotion of free market principles in the reconstruction of Central America.

Although similar language was included in the Support for East European Democracy Act of 1989, the so-called SEED I bill, it is incorrect to suggest that they are identical.

Therefore, I will vote against the Helms amendment, and I urge my colleagues to do likewise.

The PRESIDING OFFICER. Is there further debate?

Observing none, the question is on agreeing to amendment 241 offered by the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been

ordered. The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. DIXON. I announce that the Senator from Kentucky [Mr. FORD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "no."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—38

Bond	Grassley	Roth
Brown	Hatch	Rudman
Burns	Heflin	Seymour
Coats	Helms	Shelby
Cochran	Kassebaum	Simpson
Cohen	Kasten	Smith
Craig	Lott	Specter
D'Amato	Mack	Stevens
Dole	McCain	Symms
Domenici	McConnell	Thurmond
Garn	Murkowski	Wallop
Gorton	Nickles	Warner
Gramm	Pressler	

NAYS—58

Adams	Durenberger	Metzenbaum
Akaka	Exon	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Packwood
Boren	Harkin	Pell
Bradley	Hatfield	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Chafee	Kerrey	Sasser
Conrad	Kerry	Simon
Cranston	Kohl	Wellstone
Daschle	Lautenberg	Wirth
DeConcini	Leahy	Wofford
Dixon	Levin	
Dodd	Lugar	

NOT VOTING—4

Danforth	Lieberman
Ford	Pryor

So the amendment (No. 241) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. KOHL). The majority leader.

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 117

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Resolution 117 at 10 o'clock a.m. tomorrow; that Senator DOLE be permitted to modify Senate Resolution 117; that no amendments or motions be in order to the resolution; that time for debate on the resolution be as follows: 30 minutes under the control of Senator DOLE; 30 minutes under the control of Senator BRADLEY; 30 minutes under the control of Senator DECONCINI; 15 minutes under the control of Senator HARKIN; 15 minutes under the control of Senator LEAHY; 15 minutes under the control of Senator D'AMATO; that when all time is used or yielded back, the Senate, without intervening action or debate, vote on or in relation to the resolution.

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

The text of the agreement follows:

Ordered, That at 10 a.m. on Wednesday, May 15, 1991, when the Senate resumes consideration of Senate Resolution 117, a sense of the Senate resolution relating to agricultural export credit guarantees to the Soviet Union, the Senator from Kansas (Mr. Dole) be permitted to modify Senate Resolution 117.

Ordered further, That no amendments or motions be in order to the resolution and that time for debate on the resolution be controlled as follows: 30 minutes for Senator Dole, 30 minutes for Senator Bradley, 30 minutes for Senator DeConcini, 15 minutes for Senator Harkin, 15 minutes for Senator Leahy, 15 minutes for Senator D'Amato.

Orderd further, That when all time is used or yielded back, the Senate, without any intervening action or debate, vote on, or in relation to, the resolution.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators now, as I understand it, there will be no further amendments and the only vote tonight remaining will be on final passage of the pending measure. Following that, which I anticipate will occur shortly, there will be no further rollcall votes this evening.

Pursuant to the unanimous-consent agreement just entered into, the Senate will resume consideration of Senator DOLE'S resolution with respect to export credits to the Soviet Union at 10 o'clock tomorrow morning, with approximately 2 hours and 15 minutes of time allotted. A vote will occur when that time is used or yielded back, so there should be a vote sometime around noon tomorrow on the Dole resolution, dependig upon whether or not all of the time is used or yielded back. All Senators should be aware of that now; that vote will occur tomorrow sometime around noon.

Mr. DOLE. Can I ask for the yeas and nays now? I ask unanimous consent that I may ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, I rise in strong support of S. 100, the Central America Democracy and Development Act. This bill lays out important policy prescriptions and directions for the United States. The significance of this particular legislation is not that it authorizes any funds—it does not—but that it formally embodies in the law a sound, responsible, and realistic framework to guide U.S. policy toward Central America.

I want to commend and congratulate my colleague from North Carolina, Senator SANFORD, for bringing this legislation to its fruition. As all my colleagues are aware, S. 100 translates the recommendations of the Sanford Commission into U.S. policy. I am pleased to have had a role in that Commission, and I am proud to be an original cosponsor of this legislation.

Mr. President, there are numerous important elements in this legislation, but I want to emphasize several that this Senator believes are extremely important. S. 100 recognizes the essential linkage between peace, democracy, and development. Each is closely inter-related. The policy prescriptions embodied in S. 100 are intended to promote these essential elements.

Further, S. 100 emphasizes the imperative for the United States and international community to stay engaged in Central America; to remain a consistent, dependable ally and supporter; and to pursue and promote sustainable policies to strengthen democracy and development in Central America.

I have been involved in Central American issues for over a decade as a U.S. Senator and many more years prior to that in the private sector. And it is clear to me that if the United States is going to make a positive difference in this region, we cannot become engaged only episodically—when there is a crisis or an offensive or a big vote. We must remain engaged at a sustainable level, over the long term.

Mr. President, I want to highlight one other aspect of S. 100 that I believe is extremely important. This statement of U.S. policy, in complete agreement with the Esquipulas accords, reaffirms that the primary responsibility for development in Central America be-

longs to the government and the people of the Central American region. This may appear to some as a self-evident truth, and in my opinion, it is self-evident. But the key is that U.S. policy will formally embody this truth and prescribe actions that support it.

Because of the significance and value of this aspect of S. 100, I want to quote directly from the bill to emphasize the point:

The Congress accepts with confidence that the countries of Central America will successfully direct their own economic and human resources to build and maintain the political, social, and economic institutions necessary to achieve peace and prosperity for their people.

Accordingly, it is the policy of the United States to encourage and support the Central American countries in the efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions in the countries of Central America. It further is the policy of the United States to support and encourage dialogue as the proper means of resolving armed conflicts in Central America.

The key element is that the Central American countries should take the lead in resolving their own problems and promoting their own development. The appropriate role for the United States is to facilitate and support that effort, not to direct or mandate it. And again, we should remain engaged in this pursuit on a consistent, sustainable basis.

In this regard, Mr. President, I am extremely encourage by the Central American governments' continuing efforts to work together to promote regional solutions to regional problems. It is unprecedented that each of the Central American countries is led concurrently by democratically elected governments.

This reality presents unique opportunities for the kind of cooperation that the countries have demonstrated in recent years. The Central American Presidents meet regularly to discuss matters of regional concern and to propose and promote coordinated solutions.

This regional cooperation is especially significant because it recognizes that there are many important issues that cross national boundaries, affecting not only individual countries, but the region as a whole. The continuing conflicts in El Salvador and Guatemala represent important examples of such issues.

The governments of Central America clearly understand and appreciate the impact that these conflicts have on each of them and just how important it is that these conflicts be resolved. Several weeks ago, I met with the Ambassadors of Central America, together, as a group. It was a symbolic and important demonstration of the spirit of cooperation and a greater regional approach to important issues. And in recognition of their support for S. 100, it is my understanding the Ambassadors are here today in the galleries observing these proceedings.

During our meeting, we discussed the particular problems and concerns of each of the countries but focused on the pervasiveness in the region of the war in El Salvador. The Ambassadors emphasized to me just how important it is to their countries that the war in El Salvador—and Guatemala as well—be ended as soon as possible. The full impact of these wars transcend national boundaries. The Ambassadors highlighted for me again the reality that the war in El Salvador inhibits regional progress toward peace, stability, and economic development.

The Ambassadors, acting in concert, are following through on the December 1990, Costa Rica summit of the Central American Presidents. At this summit, the Presidents issued the so-called Declaration of Puntarenas.

This declaration emphasizes the critical need to end the conflict in El Salvador. the Presidents recognize that the continuing war and unrest there frustrates the political and economic development for the entire region. The declaration expresses the regional support for the Government of El Salvador in its efforts to end the civil war through negotiations. And it praises the Government for its constructive negotiating positions.

Mr. President, I want to take this opportunity to express my strong support for the Central American Presidents' efforts to bring peace to El Salvador. The Presidents have provided invaluable impetus and support in the region and the international community to the efforts to end the war.

As my colleagues are well aware, the Government of El Salvador and the guerrillas of the FMLN recently reached a major accord to institute necessary and dramatic reforms in the Armed Forces, in the electoral and judicial systems, and in the human rights area. A formal cease-fire agreement is left to be negotiated, but never before have the people of El Salvador been so close to the peace they have long sought.

I want to extend my congratulations and praise for the leadership and courage of President Cristiani in forging these major reforms. President Cristiani has withstood intense pressure from extremes on the right and the left, neither of which has been enthusiastic about peace. He deserves great credit for the strength and durability of his commitment to peace. Without President Cristiani's determination to lead his country to a negotiated settlement, the people of El Salvador would no doubt suffer war and deprivation longer and more painfully.

Mr. President, I ask unanimous consent that an op-ed by President Cristiani appearing in this morning's Washington Post be printed in the RECORD at the conclusion of my remarks.

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

(SEE EXHIBIT 1)

Mr. DURENBERGER. Mr. President, the people of El Salvador are eager and anxious for peace. There's a palpable sense in the counry that peace is near, and that they will soon be free from the desperate burdens of war.

The difficult task of securing a cease-fire and definitive peace still lies ahead. As the negotiations resume later this month, I am confident that the Government will continue its efforts with the same vigor and commitment that has characterized their approach thus far.

It remains my hope that the FMLN will demonstrate comparable commitment to peace. Recent statements and actions by the guerrillas, however, continue to call into question just how serious the FMLN is when it professes to seek peace in El Salvador. It is incomprehensible to me that the guerrillas continue to destroy and disrupt the country's electrical power system and perpetrate other egregious acts of terrorism against the civilian population at a time when the peace process has never been going better.

Knocking out power to half the country, as the rebels recently did, cannot conceivably help foster an atmosphere of trust and confidence that is essential if El Salvador will continue to make progress in establishing lasting peace.

For the first time in over a decade, there is a solid chance for real peace in El Salvador. There is still a long way to go, but never before have the two sides traveled this far on the road to a negotiated settlement. President Cristiani has taken a strong leadership role in making profound changes in the way business is done in El Salvador. The guerrillas, for their part, have made important strides as well to make the agreements possible, but their continuing campaign of destruction aimed at the civilian population is simply outrageous, and it cannot help the process.

The United States also has an important role to play in achieving peace in El Salvador. We must remain a steady, dependable, and reliable friend and ally of the people of El Salvador and their efforts to achieve peace. Especially at this critical juncture, the Government and the guerrillas need to know that the United States remains firmly committed to promoting a negotiated settlment, to promoting the necessary reforms, and to strengthening the democratic institutions and processes in El Salvador.

In conclusion, Mr. President, let me again state my strong support for S. 100 and the policy directions therein prescribed. The United States and So-

viet Union are finished using Central America as an ideological battle ground to secure greater leverage against each other. The time has come for the United States to do the hard work of promoting and encouraging peace, democracy, and development in Central America.

We have a responsibility and a self-interest to stay engaged in this effort. It is the right thing to do for Central America, and it is the right thing to do for the United States. The United States benefits from stable, peaceful, and hopefully prosperous neighbors. Stable and well-developed democracies tend not to go to war with each other. They tend not to promote instability among their neighbors. They also tend to provide good markets for U.S. products as well as good sources for U.S. imports. And they tend to do the things necessary to provide for the well-being of their own people.

Mr. President, I strongly support the policy embodied in S. 100, and I urge my colleagues to do so as well. The United States should pursue policies designed to facilitate and promote regional efforts to address regional problems, not direct or mandate such solutions. That is what this legislation seeks to incorporate.

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

EXHIBIT 1

[From the Washington Post, May 14, 1991]

EL SALVADOR DESERVES THAT AID

(by Alfredo Cristiani)

What I am about to say may come as a shock to many Americans, but El Salvador, regarded by some as the quagmire of Central America, is on the verge of becoming El Salvador, a triumph for democracy in Central America with thanks to a considerable assist from the United States.

How dare we be so optimistic? Consider the ground we have covered in the past 12 months toward a just peace and sound economic development.

We are close to ending the 11-year-old guerrilla war with a peace agreement that would make winners out of all Salvadorans and strengthen our democratic process. The only losers are the extremists on the left and the right who tried to impose their own nondemocratic systems on us.

Despite predictions that we would never investigate much less prosecute military officers for criminal acts, four army officer and five enlisted men accused of the barbarous murder of six Jesuit priests and their two women housekeepers 18 months ago will go on trial, possibly within the next three months.

In the economy, we have suffered through the first difficult steps to reverse the downward spiral brought on by heavy-handed state interference and to lay the groundwork for a market-oriented system that rewards individual initiative. Last year inflation dropped significantly, agricultural production and exports turned around, and our overall economic growth was the highest since 1979, before the war began. We have high hopes for continuing this trend and achieving our electoral promise of reducing severe poverty. Meanwhile, a special Social Emergency Program is doing much to minimize the adverse impact on the lowest income groups of the drastic measures we were forced to implement.

Nothing will improve our economy so much as peace. Last month after three weeks of intense negotiations with the Farabundo Marti National Liberation Front (FMLN) in Mexico City under the auspices of the United Nations, we laid the constitutional foundation for a final truce agreement that we hope to reach when we reconvene negotiations. The constitutional reforms, which we are already in the process of enacting, place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary branch and establish a special prosecutor for crimes against human rights.

These reforms go to the heart of the critical problems that plunged our country into a decade of violence. When we took office in 1989, it was the first time in our history that the administration was passed from one elected civilian president to another. Every other elected government had been ousted by a military strong man. It is a major sign of our growing maturity as a democratic nation that our military men are now willing to accept civilian control.

The stage is set for all of these reforms to be cemented into law as soon as the FMLN accepts a cease-fire. It is now up to the FMLN to forswear its terrorism and back off its attempt to impose a bankrupt Marxist system on unwilling Salvadorans. We are encouraged that Joaquin Villalobos, one of their five top leaders, declared that he has given up Marxism to become a Social Democrat. Actually, without admitting it, the left has already become a part of our democratic system; as a result of our March 10 legislative elections, Ruben Zamora, a member of the left's political front, has been chosen vice president of the new National Assembly, and a member of Schafik Handal's Communist Part has one seat in the assembly. Handal is another of the five guerrilla leaders.

Those popular elections, the seventh we have held in the last 10 years, were an important watershed for our efforts to fulfill our campaign promise of bringing peace and unity to El Salvador. While on the surface it appeared that our party, Arena, lost ground to the Convergence of the Left, which won eight seats, the real significance is that the left finally participated in our democratic system and discovered that it could win a meaningful role. Even though Arena remains the most popular single political party, the way is clearly open for the left to have a genuine opportunity to influence policies through political compromise within our democratic system, making violence unjustifiable.

These are the very goals the United States set when it began assisting us in the 1980s. With success for your policy so near at hand, we urge Congress to see us through to the end by continuing its aid program. However, last year's action of withholding military aid to supposedly force the Salvadoran military to support the peace process sent the wrong signal to the FMLN. While we made concessions the FMLN sought to exploit the situation by smuggling in arms and launching a bloody offensive against the civilian population, which included the cold-blooded murder of two downed American pilots. Wisely, President Bush, citing the FMLN aggression, decided to restore the aid.

We urge Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay. Once a cease-fire is in place, we guarantee to redirect military funds toward assisting and retraining the combatants on all sides for useful civilian roles and to rebuilding the infrastructure of our war-ravaged rural areas. Then, we will be truly bearing our swords into plowshares.

(The writer is president of El Salvador.)

Mr. KENNEDY. Mr. President, I give my strong support to S. 100, the Central American Democracy and Development Act.

It is high time that the United States took a leadership role in promoting democracy, economic development, and human rights in Central America. This bill does that by affirming this country's commitment to strengthening international institutions to help build and sustain a region of peaceful diversity.

This bill is the product of nearly 5 years of efforts by Senator SANFORD and the International Commission for Central American Recovery and Development, and independent nonpartisan organization composed of economists, development experts, and business and labor leaders from 20 countries in Latin America, North America, Europe, and Asia.

The bill is also a direct response to the Esquipulas peace accords, which were signed by the five Central American presidents in 1987. These accords established a framework for regional peace and security and called upon the international community to assist the region in achieving peace and economic development.

This bill advances these goals by setting forth a new and clear U.S. policy toward Central America. Specifically, the bill makes it U.S. policy to encourage and support the Central American countries in their efforts to: build democracies; restore peace; establish respect for human rights; expand economic opportunities through the achievement of sustained and sustainable development; and improve living conditions, particularly with respect to the relocation and resettlement of refugees and other displaced persons, the expansion of educational opportunites, and access to health care.

Perhaps most importantly, the bill encourages dialogue, not further violence, as the proper means of resolving armed conflicts in Central America.

This country's history of relations with Central America is filled with misunderstanding, distrust, and almost unrelenting tragedy. There is no more appropriate way to begin a truly new world order than by affirming our commmitment to peace and prosperity in this troubled region of the hemisphere.

I urge my colleagues to join me in supporting this most important legislation.

Mr. MCCONNELL. Mr. President, I would like to take a brief moment to speak on S. 100, the Central American

Democracy and Development Act. As a cosponsor of this bill, I am pleased the Senate is considering its passage.

Despite intense civil strife and troubled economies, Central American countries have worked hard to further democratic ideals and economic opportunities. The bill before us recognizes the connection between economic advances and democratic development; between free and open societies and improved human rights and living conditions.

S. 100 provides a framework for U.S. policy that seeks "to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustainable development, and improve living conditions in the countries of Central America." These are objectives and goals that I am confident all my colleagues share.

Mr. President, as the chairman of the U.S. observer delegation to the Salvadoran Presidential elections, I traveled to polling stations around that country. I was struck by the large turn out of Salvadoran voters, despite threats of violence to voters by the FMLN and dire economic conditions. Salvadorans turned out to elect a new President because they believe in the democratic process. We should do all we can here—today—to strongly underscore our support for their courage and commitment to freedom, democracy and economic opportunity.

I strongly urge my colleagues to support this bill and to continue to encourage democracy and economic development in Central America. Through the leadership of the United States, and with international cooperation and support, we can further economic prosperity, peace, and democracy in that region.

Mr. McCAIN. Mr. President, I rise in support of S. 100, the Central American Democracy and Development Act. I am pleased to be a cosponsor of what I regard as an eminently sensible approach to development in Central America. I compliment Senator SANFORD and the entire International Commission for Central American Recovery and Development whose report provided the basis for S. 100. The Commission's dedication and bipartisanship, the involvement of the five Central American Presidents, and the cooperation of the Department of State and AID have produced a responsible and attainable design for Central American development that addresses both the immediate and long term needs of Central American societies.

In the spirit of Esquipulas, which called for closer cooperation between the economic policies of Central American nations, all five Central American Presidents endorsed the recommendations of S. 100 in the final Declaration of the Antigua Summit. The bill's emphasis on the expansion of trade incentives, the alleviation of debt burdens, and increased foreign investment are consistent with development approaches represented by the Caribbean basis initiative and the Enterprise for the Americas Initiative.

The call for a multilateral partnership to foster long-term economic development requires U.S. leadership in focusing the international community's attention on the requirements of prosperity and stability in Central America. It does not identify increased U.S. aid as the answer to the region's development needs.

As we consider our policy in Central America we should promote economic growth by encouraging the increased interdependence of the nations of Central America. We should encourage the principles of free markets and free trade that have served this country so well. But we should not condition U.S. cooperation with regional development on strict adherence to fiscal and monetary requirements that the United States is not yet inclined to practice.

In closing, let me sound a note of optimism. The political pluralism that has come to Central America. The utter failure of Marxist and state directed economic policies and Leninist political controls encourage us to believe that the nations of Central America are well on the way to developing their societies in accordance with the principles of modern and free states. S. 100 endorses those principles and provides a realistic blueprint for their promotion. It deserves the full support of Congress.

Mr. CRANSTON. Mr. President, I rise today to reaffirm my support for the Central American Democracy and Development Act which was introduced by the distinguished Senator from North Carolina, and of which I am a cosponsor. This is an important and overdue bill.

This legislation provides an opportunity for the United States to refocus its attention, in a much more hopeful way, on the Central American region. During the last decade, billions of dollars flowed from our Treasury into the coffers of Central America's militaries. War, not development, became the cornerstone upon which U.S. foreign policy toward Central America rested.

Meanwhile, the more pressing needs of the Central American people—debt reduction, increased productivity, renewed investment, and democratic institution building—languished. These are the problems that must be addressed if peace and prosperity are to come to the region. Ultimately, the growth and stability of Central America will help lead to the overall growth and stability of our hemisphere. That is our true national interest.

S. 100 provides a framework to help our friends in the region to confront the poverty and turmoil which plague Central America and undermine its development. It also delivers a message that the United States recognizes that Central Americans are fully capable of identifying their countries' problems and that Central Americans must implement their own solutions to these difficulties.

Finally, at a time in which the administration is encouraging a free trade agreement with Mexico and an enterprise for the Americas initiative, it is imperative that the Congress show its continued commitment to the people of Central America. I commend Senator SANFORD for his wisdom and his tenacity in pursuing this agenda change.

Mr. President, I urge my colleagues to extend their hands to the people of Central America by supporting the Central American Democracy and Development Act.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DIXON. I announce that the Senator from Kentucky [Mr. FORD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. LIEBERMAN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is necessarily absent.

I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—87

Adams	DeConcini	Kassebaum
Akaka	Dixon	Kasten
Baucus	Dodd	Kennedy
Bentsen	Dole	Kerrey
Biden	Domenici	Kerry
Bingaman	Durenberger	Kohl
Bond	Exon	Lautenberg
Boren	Fowler	Leahy
Bradley	Garn	Levin
Breaux	Glenn	Lott
Bryan	Gore	Lugar
Bumpers	Gorton	Mack
Burdick	Graham	McCain
Burns	Gramm	McConnell
Byrd	Grassley	Metzenbaum
Chafee	Harkin	Mikulski
Coats	Hatch	Mitchell
Cochran	Hatfield	Moynihan
Cohen	Heflin	Murkowski
Conrad	Hollings	Nunn
Cranston	Inouye	Packwood
D'Amato	Jeffords	Pell
Daschle	Johnston	Pressler

Reid	Sarbanes	Specter
Riegle	Sasser	Stevens
Robb	Seymour	Warner
Rockefeller	Shelby	Wellstone
Rudman	Simon	Wirth
Sanford	Simpson	Wofford

NAYS—9

Brown	Nickles	Symms
Craig	Roth	Thurmond
Helms	Smith	Wallop

NOT VOTING—4

Danforth	Lieberman
Ford	Pryor

So the bill (S. 100) was passed as follows:

S. 100

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central American Democracy and Development Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The perpetuation of individual poverty, the lack of trade and economic opportunities, the shortage of capital for investment, the absence of adequate transportation and communication facilities, and inadequate educational and health care resources have persisted in Central America and have prevented the prosperous and peaceful development of that region.

(2) Civil conflict and severe economic decline over the past decade have produced a severe crisis in Central America.

(3) Violence has uprooted a full 15 percent of Central America's people, creating an urgent need for outside assistance in resettlement and relocation.

(4) The roots of the crisis in Central America are primarily economic and social.

(5) Economic prosperity and free and open societies are essential to peaceful relationships with neighboring countries.

(6) Section 461 of chapter 6 of part I of the Foreign Assistance Act of 1961 (setting forth the statement of policy for the Central America Democracy, Peace, and Development Initiative) appropriately recognizes the essential linkage between democracy and development.

(7) On September 10, 1988, the vice presidents of the five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) approved an intraregional coordination mechanism to implement the United Nations Development Programme's Special Plan of Economic Cooperation for Central America.

(8) The Esquipulas II, Tesoro Beach, Tela, San Isidro, and Montelimar Accords signed by the presidents of the 5 Central American countries endorsed democratic processes and institutions in each country and that conflicts should be resolved through dialogue, negotiation, and elections.

(9) In the Declaration of Antigua, the five Central American presidents—

(A) affirmed the recognition by the Esquipulas I and II Accords that—

(i) lasting peace cannot be attained without development, and

(ii) while generous support from the international community is required, responsibility for development in Central America belongs to the governments and to the people of the Central American countries;

(B) directly reaffirmed that respect for human rights is the fundamental basis of democracy;

(C) emphasized the importance of strengthening Central America's regional organizations, and the intention to increase cooperative efforts at economic integration of the countries of Central America; and

(D) confirmed the need to establish a Central American mechanism to improve multilateral cooperation in assistance as correlated to the region's needs and to promote growth through regional initiatives.

(10) The Declaration of Antigua proposed a Central American Economic Community to provide regional unity and strength in the international arena in order to promote the development of the entire region based on free market economies, with all citizens benefiting, and full participation in the world economy. The Declaration states that the success of the proposed Community will depend on the creativity of all elements of society, include the agricultural, financial, educational, labor, religious, cultural, and industrial communities, and grass-roots development organizations.

(11) As recognized in the report of the International Commission on Central American Recovery and Development (a group led by citizens from the five Central American countries and assisted by citizens from twelve other countries), a plan for sustainable development in Central America requires concerted efforts on a regional basis to utilize, manage, and preserve more effectively the resources of the region.

(12) The International Commission for Central American Recovery and Development recommended comprehensive policy prescriptions and actions to attain broad enhancement of the social institutions, public and private infrastructure, and financial and economic structures of the Central American countries, with the goals of peace, strengthened democratic institutions, sustainable development, and prosperity for the benefit of all the people of Central America.

(13) United States interests in Central America are based on national security concerns, humanitarian concerns, cultural and ethnic ties, commercial relations, interest in promoting democratic ideals, and the desire for friendly, peaceful neighboring countries. Such interests will best be advanced by political and economic development in the region.

(14) The increasing interest of the international donor community enhances the climate for implementing a comprehensive recovery and long-term economic development program necessary to achieve lasting peace in Central America.

(15) Both the Declaration of Antigua and the report of the International Commission for Central American Recovery and Development state that economic restructuring programs must be formulated in a manner to ease the burdens of adjustment on the poorest segments of society.

SEC. 3. UNITED STATES POLICIES.

(a) IN GENERAL.—The Congress accepts with confidence that the countries of Central America will successfully direct their own economic and human resources to build and maintain the political, social, and economic institutions necessary to achieve peace and prosperity for their people. Accordingly, it is the policy of the United States to encourage and support the Central American countries in the efforts to build democracy, restore peace, establish respect for human rights, expand economic opportunities through the achievement of sustained and sustainable development, and improve living conditions in the countries of Central America. It further is the policy of the United States to support and encourage dialogue as the proper means of resolving armed conflicts in Central America.

(b) UNITED STATES ASSISTANCE FOR IMPLEMENTATION OF AN INTERNATIONAL PROGRAM FOR CENTRAL AMERICAN RECOVERY AND DEVELOPMENT.—In order to build upon the programs established pursuant to the National Bipartisan Commission on Central America and to establish a Central American Recovery and Development Program, it is the policy of the United States, consistent with implementation of the Esquipulas, Tesoro Beach, Tela, San Isidro, and Montelimar Accords and the Antiqua Declaration, to assist in the implementation of recommendations of the International Commission on Central American Recovery and Development, including proposals—

(1) to provide additional economic assistance to the countries of Central America to assist with relocation and resettlement of refugees and other displaced persons in the region, expand educational opportunity and access to health care, foster progress in respect for human rights, bolster democratic institutions, strengthen institutions of justice, conserve natural resources and protect the environment, and otherwise promote sustainable economic development;

(2) to facilitate the ability of the economies of individual Central American countries to grow through the development of the infrastructure of those countries, expansion of exports, and strengthening of investment opportunities, goals which are enhanced by the Caribbean Basin Economic Recovery Expansion Act of 1990; and

(3) to develop those initiatives in concert with the governments of Central America, Western Europe, Japan, Canada, and other democracies.

(c) REFUGEES AND DISPLACED PERSONS.—Consistent with the recommendations of the International Commission on Central American Recovery and Development, it is the policy of the United States to support, participate in, and contribute to the United Nations Development Programme for its Special Plan of Economic Cooperation for Central America, which is designed to—

(1) reintegrate the displaced and refugee populations,

(2) create employment opportunities, and

(3) establish a system to ensure adequate food supplies and health facilities for the poor.

(d) MULTILATERAL AND REGIONAL COOPERATION.—

(1) MULTILATERAL COOPERATION.—It is the policy of the United States to encourage and secure greater international cooperation and support for implementing the recommendations of the International Commission on Central American Recovery and Development. In carrying out this policy, the President should exert continued leadership in multilateral and regional forums and at economic summits to further multidonor responses to the pressing development needs in Central America.

(2) PARTNERSHIP FOR DEMOCRACY AND DEVELOPMENT.—It further is the policy of the United States to help organize a partnership among donor countries and the Central American countries to provide a coordinated, organized means of mobilizing resources and promoting a forum for dialogue about issues of development, democracy, social justice, and human rights.

(3) REGIONAL COOPERATION.—If requested by the governments of Central America, the United States, in an effort to support full participation in a partnership for democracy

and development, shall provide appropriate support and assistance for the development of a coordination mechanism for Central America which includes participation of governments and nongovernmental organizations. Such mechanism has been designated as the Central American Development Coordination Commission (CADCC) by the International Commission on Central American Recovery and Development.

(e) ENTERPRISE FOR THE AMERICAS INITIATIVE.—It is the policy of the United States to support and promote the President's proposed Enterprise for the Americas Initiative to assist Central American countries in opening their economies and managing their foreign debt, which is a major factor in preventing economic renewal.

MORNING BUSINESS

Mr. BIDEN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1043 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXPLANATION OF VOTE

Mr. PELL. Mr. President, I voted last week in favor of suspending the provisions of the Gramm-Rudman-Hollings Act. I did so because I believe the Congress needs maximum flexibility to respond to the serious economic recession that continues to grip our Nation.

It has always been my view that the Gramm-Rudman-Hollings Act was bad public policy and an ineffective way to reduce the Federal budget deficit. Gramm-Rudman-Hollings is based upon a distrust of our democratic institutions and our ability to manage our economic affairs through reason, thought, debate, and compromise. For those qualities, the act substitutes mathematic formulas that automatically trigger sweeping changes in the Federal budget—changes untouched by human hands or human thought. For this reason I have voted against the act from its inception.

And, indeed, the act has proven ineffective in reducing the Federal budget deficit. Ask one question—is the Federal budget deficit today larger or smaller than when the act was adopted? The deficit is, of course, significantly larger.

In adopting the fiscal straitjacket of Gramm-Rudman-Hollings, however, the Congress did have the wisdom to foresee that its provisions might be entirely inappropriate if the country was in an economic recession. Thus, the act provided that Congress must vote on a suspension of the act if the Nation entered an official recession, having experienced two consecutive quarters of negative growth, or shrinkage, in the economy. That has happen, and we are in a recession. Joblessness is high, the number of Americans employed is still shrinking. Many Americans have been out of work so long they have exhausted jobless benefits and are so discouraged they have stopped actively seeking work.

In these circumstances, the Congress should not restrict itself with rigid, mathematical rules and formulas in its efforts to restore prosperity. I regret that a majority of the Senate did not vote to suspend the Gramm-Rudman-Hollings Act. That act and its provisions now stand as the major excuse for the Congress doing almost nothing at all to counter the economic recession.

Mr. President, the Gramm-Rudman-Hollings Act is bad policy in normal times. In times of economic recession it makes no sense whatever. That is why I voted to suspend its provisions.

RHODE ISLAND HONORED BY EPA

Mr. PELL. Mr. President, I rise to share with my colleagues the news that Rhode Island has earned a national award from the Environmental Protection Agency for creating the Nation's first statewide mandatory comprehensive recycling program.

William Reilly, Administrator of EPA, soon will be honoring Rhode Island for its leadership in innovative municipal waste recycling during ceremonies at EPA's headquarters.

Rhode Islanders are proud that our State is one of nine national winners in the agency's first annual Administrator's Awards Program. Rhode Island won in the highly competitive category of State agencies.

Five years ago, Rhode Island passed the first statewide mandatory comprehensive recycling law in the country and set to work implementing that law.

Now about 14 percent of our State's residential waste stream is recycled. Commercial waste at landfills in Rhode Island has decreased by 24 percent since July 1989.

Rhode Island agencies also are involved in a source reduction program. The State's 2-year-old materials recycling facility is one of the most technically advanced in the country.

The source reduction program also includes composting and the recovery of methane gas from a landfill, which is used to heat 18,000 homes.

Clearly, Rhode Island's program is an example for the Nation of what can be accomplished through aggressive, well-executed recycling and source reduction programs.

Administrator Reilly's award to Rhode Island is an appropriate national recognition of our State's excellent environmental leadership and visionary planning.

To all who have been involved in this effort. EPA's award is confirmation that they should keep up the good work. There is more to be done, but we are well on our way.

TRIBUTE TO JOHN KEISLING, TENNESSEE'S SMALL BUSINESS PERSON OF THE YEAR

Mr. SASSER. Mr. President, it is with great pride that I rise today to pay tribute to Mr. John Keisling of Sparta, TN, Tennessee's Small Businessperson of the Year. Since 1971, John has helped lead his family company, Cumberland Hardwoods, from a local furnishings manufacturer into a nationally recognized, successful international enterprise.

John understood, before many, that rapidly changing manufacturing technologies require a workforce with more than mechanical training. The global marketplace now demands that workers have basic literacy and analytical skills as well. To help his employees compete, John implemented a workplace literacy program in 1989 which offered reading and math classes. His company also offered day care services to encourage the participation of employees with children.

But, Mr. President, John's belief in and dedication to his employees did not stop at the factory's gates. He saw a way to use his company's resources for the benefit of the entire community. The company began offering courses in parenting skills, crisis and stress management, resources identification, and referral training to all residents of his rural community.

John Keisling's efforts to help his workers attain basic literacy skills and his community attain basic management skills have gained him national recognition and international contracts. First Lady Barbara Bush and the American Association of Adult and Continuing Education presented Cumberland Hardwoods with the National Workplace Literacy Award in 1990. The company has also recently entered into a joint venture with a multinational firm to be the first manufacturer in its industry to export its product into Eastern Europe.

Mr. President, America needs more business people like John Keisling. For John, an investment in his employees' education is an investment in his company's future. The success of Cumberland Hardwoods is a testament to the value of this belief. I join my fellow Tennesseans in congratulating John Keisling for this great honor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, 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 RECEIVED DURING RECESS

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 13, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2122. An act to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict; and

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week."

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill and joint resolution were signed on May 13, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1105. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1106. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1107. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning the claim of Ms. Olufunmilayo O. Omokaye; to the Committee on the Judiciary.

EC–1108. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1109. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the report on activities of the Institute during calendar year 1990; to the Committee on the Judiciary.

EC–1110. A communication from the Director of Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications for calendar year 1990; to the Committee on the Judiciary.

EC–1111. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the recommendation for the uniform percentage adjustment of each dollar amount specified in Title 11 regarding bankruptcy; to the Committee on the Judiciary.

EC–1112. A communication from the Acting Director of the Office of Policy Administration, Department of Justice, transmitting, pursuant to law, the annual report of the Department of Justice under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1113. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve System under the Freedom of Information Act during calendar year 1990; to the Committee on the Judiciary.

EC–1114. A communication from the Attorney General, transmitting, pursuant to law, a draft of proposal legislation to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

EC–1115. A communication from the National Commander of the Civil Air Patrol, transmitting, pursuant to law, the annual report on the Civil Air Patrol for calendar year 1990; to the Committee on the Judiciary.

EC–1116. A communication from the Chief Justice of the United States, transmitting, pursuant to law, various amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1117. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Evidence; to the Committee on the Judiciary.

EC–1118. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Criminal Procedure which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1119. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1120. A communication from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Bankruptcy Rules which have been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1121. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report of the Commission for the period from October 1, 1989 through September 30, 1990; to the Committee on Labor and Human Resources.

EC–1122. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority for the Early Education Program for Children with Disabilities; to the Committee on Labor and Human Resources.

EC–1123. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final annual evaluation priorities—Special Studies Program; to the Committee on Labor and Human Resources.

EC–1124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Alcohol and Drug Abuse and Mental Health Services Block Grant Report for fiscal year 1989; to the Committee on Labor and Human Resources.

EC–1125. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee for fiscal year 1990; to the Committee on Labor and Human Resources.

EC–1126. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the feasibility of linking research-related data; to the Committee on Labor and Human Resources.

EC–1127. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health AIDS Research Loan Repayment program; to the Committee on Labor and Human Resources.

EC–1128. A communication from the Secretary of Education, transmitting a draft of proposed legislation to authorize the establishment within the Department of Education of a position of Under Secretary, and for other purposes; to the Committee on Labor and Human Resources.

EC–1129. A communication from the Chairman of the Board of the Student Loan Marketing Association, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association for 1990; to the Committee on Labor and Human Resources.

EC–1130. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abadndoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986; to the Committee on Labor and Human Resources.

EC–1131. A communication from the Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting pursuant to law, a report on union-mandated withdrawals from multiemployer pension plans; to the Committee on Labor and Human Resources.

EC–1132. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Family Planning and Five Year Plan for the two most recently ended fiscal years; to the Committee on Labor and Human Resources.

EC–1133. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "AIDS Knowledge and the Effectiveness of AIDS Retention Interventions in Minority Communities"; to the Committee on Labor and Human Resources.

EC–1134. A communication from the Public Printer of the United States, transmitting, pursuant to law, the annual report of the Government Printing Office for fiscal year

1990; to the Committee on Rules and Administration.

EC–1135. A communication from the Chairman and the Trustees of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the Center for fiscal years 1989 and 1990; to the Committee on Rules and Administration.

EC–1136. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, section 203(b), United States Code, to delete the requirement that settlements of claims in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committee on Appropriations of construction contract claims settlements of more than $1,000,000; to the Committee on Veterans' Affairs.

EC–1137. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to facilitate the establishment of child care centers at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

EC–1138. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for the travel expenses of veterans seeking care in Departmental health-care facilities; to the Committee on Veterans' Affairs.

EC–1139. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the activities of the Department of Veterans Affairs for fiscal year 1990; to the Committee on Veterans' Affairs.

EC–1140. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the first Within-Session OMB Sequester Report for Fiscal Year 1991; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Indian Affairs, and the Select Committee on Intelligence.

EC–1141. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Department of Energy's expenditure of fiscal year 1990 Environmental Restoration and Waste Management funds; to the Committee on Armed Services.

EC–1142. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to establish fiscal provisions relating to cooperative projects with friendly foreign countries and international organizations on a cost-shared basis; to the Committee on Armed Services.

EC–1143. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

EC–1144. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Director of Logistics at Fort Rucker as an in-house operation; to the Committee on Armed Services.

EC–1145. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC–1146. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification with respect to certain defense acquisition programs; to the Committee on Armed Services.

EC–1147. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, a report on the adequacy of pay and allowances of the uniformed services; to the Committee on Armed Services.

EC–1148. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the second report on United States costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC–1149. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the first report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC–1150. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1151. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on accomplishments under the Airport Improvement Program for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC–1152. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the administration of the Pipeline Safety Act for calendar year 1989; to the Committee on Commerce, Science, and Transportation.

EC–1153. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1154. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1155. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1156. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1157. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1158. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1159. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; which is the annual reports for fiscal years 1988 and 1989; to the Committee on Energy and Natural Resources.

EC–1160. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the technology that was incorporated into the U.S. Route 220 demonstration project and its performance during the first year following construction; to the Committee on Environment and Public Works.

EC–1161. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information for the quarter ending March 31, 1991; to the Committee on Environment and Public Works.

EC–1162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Medicare fee scheduling update recommendation for 1992, the recommendation of Medicare volume performance standard rates of increase for fiscal year 1992 and the report entitled "Monitoring Changes in the Use of, Access To, and Appropriateness of Part B Medicare Services"; to the Committee on Finance.

EC–1163. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that a reward has been paid pursuant to 22 USC 2708; to the Committee on Foreign Relations.

EC–1164. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs) and the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the first report on foreign contributions in response to the Persian Gulf Crisis; to the Committee on Foreign Relations.

EC–1165. A communication from the Director of the United States Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act to provide authorizations of appropriations for the Peace Corps of the United States for fiscal years 1992 and 1993; to the Committee on Foreign Relations.

EC–1166. A communication from the District of Columbia Auditor transmitting, pur-

suant to law, a report entitled "District Vehicle Towing Contracts"; to the Committee on Governmental Affairs.

EC–1167. A communication from the Director of the District Banks Directorate, Federal Housing Finance Board, transmitting, pursuant to law, copies of the actuarial and financial reports for plan years 1989 and 1988; to the Committee on Governmental Affairs.

EC–1168. A communication from the Assistant Director of the District Banks Directorate, Federal Housing Finance Board, transmitting, pursuant to law, statements of cash receipts and disbursements for the Federal Home Loan Bank System Pension Portability Plan; to the Committee on Governmental Affairs.

EC–1169. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report on the implementation of the Single Audit Act of 1984; to the Committee on Governmental Affairs.

EC–1170. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–20 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC–1171. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–19 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC–1172. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–21 adopted by the Council on April 9, 1991; to the Committee on Governmental Affairs.

EC–1173. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–1174. A communication from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC–1175. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report of amendments to the sentencing guidelines, together with the reasons for the amendments; to the Committee on the Judiciary.

EC–1176. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General of the United States for fiscal year 1989; to the Committee on the Judiciary.

EC–1177. A communication from the Deputy Director for Supply Reduction, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report on the High Intensity Drug Trafficking Areas Program; to the Committee on Judiciary.

EC–1178. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Health Care Quality Improvement Act of 1986 to authorize the National Practitioner Data Bank to collect social security account numbers and to charge fees that cover its full costs of operation; to the Committee on Labor and Human Resources.

EC–1179. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final regulations for the Technology Education Demonstration program; to the Committee on Labor and Human Resources.

EC–1180. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1989–1990 report on the status of organ donation and coordination services; to the Committee on Labor and Human Resources.

EC–1181. A communication from the Secretary of Education, transmitting, pursuant to law, a summary of the Administration's legislative proposals for reauthorization of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC–1182. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on certain cases recommended for equitable relief; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

By Mr. BENTSEN, from the Committee on Finance, unfavorably without amendment:

S. Res. 78. A resolution to disapprove the request of the President for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974 (Rept. No. 102–56).

• Mr. BENTSEN. Mr. President, I rise today to submit to the Senate the report of the Committee on Finance with respect to Senate Resolution 78, a resolution disapproving the request of the President for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974. The committee recommends that the Senate not approve Senate Resolution 78.

The 1988 Trade Act authorizes the President to enter into bilateral and multilateral trade agreements, and have such agreements considered under expedited legislative procedures, before June 1, 1991. The 1988 Trade Act also provides that these fast track legislative procedures may be extended to trade agreements entered into after May 31, 1991, and before June 1, 1993, if the President requests an extension and if neither House of Congress disapproves the request.

Senate Resolution 78 would disapprove the request of the President for an extension of fast track legislative procedures because sufficient tangible progress has not been made in trade negotiations. After careful consideration, the committee ordered the resolution reported unfavorably by a vote of 15 to 3.•

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

John Elliott Reynolds, III, of Florida, to be a member of the Marine Mammal Commission for the term expiring May 13, 1993;

Jack Warren Lentfer, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1991;

Jack Warren Lentfer, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1994;

Rear Adm. Paul A. Welling, USCG as Commander, Atlantic Area, U.S. Coast Guard with the grade of vice admiral while so serving;

John N. Faigle, for appointment to the grade of rear admiral, U.S. Coast Guard;

John G. Keller, Jr., of the District of Columbia, to be Under Secretary of Commerce for Travel and Tourism; and

Preston Moore, of Texas, to be Chief Financial Officer, Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 21, January 22, February 19, February 26, March 5, March 12, March 19, March 22, April 9, April 11, April 16, April 17, April 18, and April 23, 1991, at the end of the Senate proceedings.)

*In the Navy there are 26 promotions to the grade of rear admiral (lower half) (list begins with Michael W. Bordy) (Reference No. 19–2).

*In the Navy there are 8 promotions to the grade of rear admiral (lower half) (list begins with Richard A. Nelson) (Reference No. 20).

*In the Marine Corps there are 5 promotions to the grade of major general (list begins with Richard L. Phillips) (Reference No. 21–1).

*Brig. Gen. John F. Cronin, USMCR, to be major general (Reference No. 22).

*Col. Larry S. Taylor, USMCR, to be brigadier general (Reference No. 23).

**In the Air Force Reserve there are 25 promotions to the grade of lieutenant colonel (list begins with David W. Baumann) (Reference No. 26).

**In the Air Force Reserve there are 31 promotions to the grade of lieutenant colonel

(list begins with Douglas S. Anderson) (Reference No. 27).

**In the Air Force there are 5 promotions to the grade of lieutenant colonel and below (list begins with George Nicolas, Jr.) (Reference No. 28).

**In the Marine Corps there are 140 appointments to the grade of colonel (list begins with William V. Arbacas, Jr.) (Reference No. 70).

*In the Navy there are 5 promotions to the grade of rear admiral (list begins with William A. Buckendorf) (Reference No. 93).

*In the Army there are 39 appointments to the grade of brigadier general (list begins with Robert F. Foley) (Reference No. 99).

*Lt. Gen. Donald O. Aldridge, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 125).

*Vice Adm. James A. Zimble, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 129).

*Rear Adm. Michael C. Colley, USN, for appointment to the grade of vice admiral (Reference No. 130).

*Rear Adm. (Lower Half) David E. White, USN, to be rear admiral and Chief of Chaplains (Reference No. 131).

*In the Naval Reserve there are 3 promotions to the grade of rear admiral (list begins with Paul T. Kayye) (Reference No. 132).

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (lower half) (list begins with John H. McKinley, Jr.) (Reference No. 133).

**In the Air Force there are 9 promotions to the grade of colonel and below (list begins with Antonio A. B. Mataban) (Reference No. 134).

**In the Air Force there are 815 promotions to the grade of colonel and below (list begins with John A. Anderson) (Reference No. 136).

*Rear Adm. Anthony A. Less, USN, to be vice admiral (Reference No. 148).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Chris A. Anastassatos, Jr.) (Reference No. 149).

**In the Air Force Reserve there there are 24 promotions to the grade of lieutenant colonel (list begins with Daniel P. Anderson) (Reference No. 150).

**In the Air Force Reserve there are 208 promotions to the grade of colonel (list begins with Michael A. Aimone) (Reference No. 156).

**In the Air Force Reserve there are 84 promotions to the grade of colonel (list begins with William P. Alexander) (Reference No. 158).

**In the Air Force there is 1 promotion to the grade of colonel (Astronaut Carl J. Meade) (Reference No. 164).

**In the Air Force there are 12 promotions to the grade of colonel and below (list begins with Michael G. King) (Reference No. 165).

**In the Army there is 1 promotion to the grade of lieutenant colonel (Charles D. Gemar) (Reference No. 166).

**In the Army there are 6 promotions to the grade of lieutenant colonel and below (list begins with Marshall V. C. Dressel) (Reference No. 167).

**In the Navy there is 1 promotion to the grade of captain (Astronaut Frank L. Culbertson, Jr.) (Reference No. 168).

**In the Air Force there are 975 appointments to the grade of second lieutenant (list begins with Richard E. Aaron) (Reference No. 169).

*In the Army there are 2 appointments to the grade of major general and below (list begins with William L. Moore, Jr.) (Reference No. 173).

*Lt. Gen. Michael P. C. Carns, USAF to be general and Vice Chief of Staff, U.S. Air Force (Reference No. 177).

*Rear Adm. Edward W. Clexton, Jr., USN, to be vice admiral (Reference No. 179).

**In the Navy there are 417 promotions to the grade of captain (list begins with Victor H. Ackley) (Reference No. 180).

*Lt. Gen. Henry Viccellio, Jr., USAF, for reappointment to the grade of lieutenant general (Reference No. 188).

*In the Army Reserve there are 20 appointments to the grade of major general and below (list begins with Richard E. Haynes) (Reference No. 189).

*In the Marine Corps there are 9 promotions to the grade of brigadier general (list begins with William A. Forney) (Reference No. 190).

**In the Marine Corps there are 342 appointments to the grade of lieutenant colonel (list begins with Raymond Adamiec) (Reference No. 191).

**In the Navy there are 252 promotions to the grade of captain (list begins with Clinton E. Adams) (Reference No. 192).

*Lt. Gen. James S. Cassity, Jr., USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 198).

*Lt. Gen. Thomas A. Baker, USAF, for reappointment to the grade of lieutenant general (Reference No. 199).

*Lt. Gen. Robert L. Rutherford, USAF, for reappointment to the grade of lieutenant general (Reference No. 200).

*Maj. Gen. Billy J. Boles, USAF for appointment to the grade of lieutenant general (Reference No. 201).

**In the Army there are 187 promotions to the grade of lieutenant colonel (list begins with Joseph S. Batluck) (Reference No. 211).

**In the Army there are 383 promotions to the grade of major (list begins with Denise J. Arn) (Reference No. 212).

*Gen. John A. Shaud, USAF, for appointment to the grade of general on the retired list (Reference No. 223).

*Lt. Gen. Charles R. Hamm, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 224).

*Lt. Gen. Monte B. Miller, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 225).

*Maj. Gen. Vernon J. Kondra, USAF, for appointment to the grade of lieutenant general (Reference No. 227).

*Maj. Gen. Donald Snyder, USAF, for appointment to the grade of lieutenant general (Reference No. 229).

*Maj. Gen. Richard J. Trzaskoma, USAF, for appointment to the grade of lieutenant general (Reference No. 230).

*Maj. Gen. David C. Morehouse, USAF, to be Judge Advocate General of the U.S. Air Force; and Brig. Gen. Nolan Sklute, USAF, to be Deputy Judge Advocate General of the U.S. Air Force (Reference No. 231).

*In the Air Force Reserve there are 20 appointments to the grade of major general and below (list begins with James W. Chapman) (Reference No. 232).

*Lt. Gen. Jack B. Farris, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 233).

*Lt. Gen. Claude M. Kicklighter, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 234).

*Lt. Gen. James F. McCall, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 235).

*Lt. Gen. George R. Stotser, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 236).

*Lt. Gen. Johnnie H. Corns, USA, for reappointment to the grade of lieutenant general (Reference No. 237).

*Maj. Gen. Merle Freitag, USA, to be lieutenant general (Reference No. 238).

*Maj. Gen. James H. Johnson, Jr., USA to be lieutenant general (Reference No. 240).

*Maj. Gen. James D. Starling, USA, to be lieutenant general (Reference No. 241).

*Vice Adm. James F. Dorsey, Jr., USN, to be placed on the retired list in the grade of vice admiral (Reference No. 243).

*Vice Adm. Ronald M. Eycchison, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 244).

*Vice Adm. John K. Ready USN, to be placed on the retired list in the grade of vice admiral (Reference No. 245).

**In the Air Force there are 38 appointments to the grade of colonel and below (list begins with Edward L. McGovern) (Reference No. 247).

**In the Army there are 8 appointments to the grade of colonel and below (list begins with Thomas R. Hawks) (Reference No. 248).

**In the Marine Corps there is 1 appointment to the grade of colonel (Astronaut Robert D. Cabana) (Reference No. 249).

**In the Navy and Naval Reserve there are 35 appointments to the grade of commander and below (list begins with Gary T. Ambrose) (Reference No. 250).

**In the Air Force there are 742 promotions to the grade of colonel (list begins with Thomas D. Accola) (Reference No. 251).

**In the Air Force Reserve there are 1,150 promotions to the grade of lieutenant colonel (list begins with Robert A. Abendschein) (Reference No. 252).

**In the Army Reserve there are 59 promotions to the grade of colonel and below (list begins with Robert A. Cocroft) (Reference No. 253).

**In the Army there are 60 promotions to the grade of lieutenant colonel and below (list begins with Margare Applewhite) (Reference No. 254).

**In the Army there are 332 appointments to the grade of second lieutenant (list begins with Carey M. Alumbaugh) (Reference No. 255).

**In the Army there are 983 appointments to the grade of captain and below (list begins with Anthony P. Aaron) (Reference No. 256).

**In the Naval Reserve there are 465 promotions to the grade of captain (list begins with Charles Llewellyn Adams) (Reference No. 257).

**In the Navy and Naval Reserve there are 777 appointments to the grade of commander and below (list begins with Stephen R. Luoma) (Reference No. 258).

*In the Army Reserve there are 8 appointments to the grade of major general and below (list begins with Arthur H. Baiden III) (Reference No. 266).

*Captain Donald K. Muchow, USN to be rear admiral (lower half) (Reference No. 267).

**In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with John b. Cooper) (Reference No. 268).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with George W. Bowen) (Reference No. 269).

*Lt. Gen. Ellie G. Shuler, Jr., USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 277).

*Lt. Gen. Trevor A. Hammond, USAF, for reappointment to the grade of lieutenant general (Reference No. 278).

*Maj. Gen. Charles J. Searock, Jr., to be lieutenant general (Reference No. 279).

*Rear Adm. Donald F. Hagen, USN, to be Chief of the Bureau of Medicine and Surgery and Surgeon General, and vice admiral (Reference No. 280).

**In the Air Force Reserve there are 24 promotions to the grade of lieutenant colonel (list begins with James L. Abernathy) (Reference No. 281).

**In the Air Force Reserve there are 27 promotions to the grade of lieutenant colonel (list begins with Michael R. Bachman) (Reference No. 282).

**In the Army Reserve there are 39 promotions to the grade of colonel and below (list begins with Rafael A. Acevedo) (Reference No. 283).

**In the Navy and Naval Reserve there are 23 appointments to the grade of commander and below (list begins with Robert S. Baron) (Reference No. 284).

**In the Marine Corps there are 71 appointments to the grade of second lieutenant (list begins with John L. Albers) (Reference No. 285).

**In the Marine Corps there are 416 appointments to the grade of major (list begins with Robert J. Abblitt) (Reference No. 289).

*Lt. Gen. Donald L. Cromer, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 291).

*Maj. Gen. Edward P. Barry, Jr., USAF to be lieutenant general (Reference No. 292).

*Maj. Gen. Martin J. Ryan, Jr., USAF to be lieutenant general (Reference No. 293).

*In the Air Force there are 26 appointments to the grade of major general (list begins with Lawrence E. Boese) (Reference No. 294).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Barbara G. Covington) (Reference No. 295).

*Vice Adm. Peter M. Hekman, Jr., USN, to be placed on the retired list in the grade of vice admiral (Reference No. 305).

*Rear Adm. Richard C. Macke, USN, to be vice admiral (Reference No. 306).

**In the Navy there are 753 promotions to the grade of commander (list begins with Robert David Abel) (Reference No. 307).

*Lt. Gen. Dave R. Palmer USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 317).

Total: 10,210.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 1043. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact police officers' bills of rights, to provide standards and protections for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 1044. A bill entitled the "Federal Resources Management Act"; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. DOLE, and Mr. CONRAD):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to lineal descendants; to the Committee on Finance.

By Mr. BIDEN (for himself, Mrs. KASSEBAUM, and Mr. MITCHELL):

S. 1046. A bill to provide for the establishment of an international arms suppliers regime to limit the transfer of armaments to nations in the Middle East; to the Committee on Foreign Relations.

By Mr. CRANSTON (by request):

S. 1047. A bill to amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification or registration of social workers appointed in the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1048. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environmental and Public Works.

By Mr. LEVIN (for himself, Mr. MOYNIHAN, Mr. SIMON, Mr. CRANSTON, and Mr. KERRY):

S. 1049. A bill to amend the Public Health Service Act to provide financial assistance to hospitals with a significant number of emergency department visits resulting from drug-related abuse and violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 1050. A bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes; to the Committee on Veterans Affairs.

By Mr. ROTH:

S. 1051. A bill to suspend temporarily the duty on N,N-dimethyl-N' (3-((methylamino) carbonyl) oxy)phenyl)methanimidamide monohydrochloride; to the Committee on Finance.

S. 1052. A bill to extend the temporary suspension of duty on 7-Acetyl-1,1,3,4,4,6-hexamethyletrahydronaphthalene; to the Committee on Finance.

S. 1053. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 1054. A bill to suspend temporarily the duty on 3-dimethylaminomethyleneiminophenol hydrochloride; to the Committee on Finance.

By Mr. DOLE (for Mr. DANFORTH) (for himself and Mr. BOND):

S. 1055. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. BURDICK):

S. 1056. A bill to provide for an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. AKAKA, and Mr. CONRAD):

S. 1057. A bill to establish a permanent National Native American Advisory Commission, to remove restrictions regarding the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 1058. A bill to extend the existing suspension of duty on certain sulfonamides; to the Committee on Finance.

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

S. 1059. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the reserve components or other nonregular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

By Mr. HARKIN (for himself, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. GRASSLEY, Mr. BURDICK, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMON, and Mr. CONRAD):

S. 1060. A bill to authorize appropriations for Local Rail Freight Assistance through fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mrs. KASSEBAUM, and Mr. EXON):

S. 1061. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Finance.

By Mr. ROTH:

S. 1062. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. AKAKA, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1063. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resource.

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1064. A bill to establish the Dayton Aviation Heritage National Historical Park in Dayton, OH, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 1065. A bill to authorize the Secretary of Transportation to carry out a rail-highway crossing program to improve highway and rail traffic safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1066. A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 1067. A bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1068. A bill to declare a portion of the Appomattox River, Virginia, to be not navigable water within the meaning of the Constitution and laws of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KASTEN):

S. 1069. A bill to assess and protect the quality of the Nation's lakes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1070. A bill to protect the coastal areas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 1071. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. EXON, Mr. ADAMS, Mr. SIMON, Mr. BRADLEY, and Mr. DIXON):

S. 1072. A bill to amend title 23, United States Code, with respect to gross vehicle weights on the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 1073. A bill to amend the Social Security Act to provide for the creation and operation of the Children's Investment Trust, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DODD):

S. 1074. A bill to amend the Food, Drug, and Cosmetic Act to revise the authority under that Act to regulate pesticide chemical residues in food; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SPECTER, Mr. JEFFORDS, Mr. GLENN, Mr. PELL, Mr. BIDEN, Mr. BURDICK, Mr. DIXON, Mr. BOREN, Mr. REID, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, Mr. PACKWOOD, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. BROWN, Mr. CRAIG, and Mr. SEYMOUR):

S.J. Res. 145. A joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S.J. Res. 146. A joint resolution designating July 2, 1991, as "National Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 125. A bill to extend congratulations to the towns of Derby and Ansonia, CT, on the occasion of the bicentennial of the appointment of David Humphreys as the United States' first Ambassador; to the Committee on Foreign Relations.

By Mr. SMITH (for himself, Mr. COATS, Mr. MCCAIN, and Mr. DOLE):

S. Res. 126. A resolution encouraging the President to exercise the line-item veto; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN:

S. 1043. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact police officers' bills of rights, to provide standards and protections for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

POLICE OFFICERS' BILL OF RIGHTS ACT

Mr. BIDEN. Mr. President, today I am introducing the Police Officers' Bill of Rights Act of 1991. This bill is aimed at protecting the rights of law enforcement officers against the injustices that occur to them while they are attempting to help us.

The introduction of this bill is particularly timely because this week is the week the Nation honors the brave women and men who have paid the ultimate sacrifice in defense of our families and our homes. National Law Enforcement Week is a time for reflection, a time to express our gratitude to the "troops" at home who are not honored with homecoming parades because their war is being fought every single solitary day they strap on a gun and walk out to protect us.

Police work is an incredibly difficult job, demanding split-second decisions that have life-or-death consequences. My colleagues may be surprised to find that despite the critical role that front-line law enforcement officers play to enforce the constitutional rights and guarantees of all Americans and the related need to guarantee the highest standard of police conduct, internal disciplinary procedures in law enforcement agencies continue to vary widely across the Nation and in my view deny on many occasions police rights which we take for granted when we are accused of something.

The often ad hoc procedures that many departments use to guide internal investigations frequently allows police executives to take arbitrary and unfair actions against innocent police officers, while allowing culpable officers to avoid any punishment at all.

The police officers' bill of rights is designed to replace the ad hoc nature of many internal police investigations by encouraging States to provide minimum procedural standards to guide such investigations. The standards and protections offered by my bill are modeled on the Standards for Law Enforcement Agencies developed by the National Commission on Accreditation for Law Enforcement.

As the preface of the Commission's standards on internal affairs notes:

> The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

The specific standards and rights guaranteed by the bill I am introducing today include things that we assume, I believe, already exist but do not in many places. They include:

The right to engage or not to engage in political activities independent of an officer's official capacity;

The right to be informed by a written statement of the charges brought against an officer;

The right to be free from undue coercion or harassment during an investigation; and

The right to counsel during an investigation; all things that I think the average American assumes that they have a right to were they before a police organization.

The provisions of this bill will take effect at the end of the second full legislative term of each State. After such time, a law enforcement officer whose rights have been abridged may sue in State court for pecuniary and other damages, including full reinstatement if their rights have been violated.

Although the bill provides certain procedural rights, it gives States considerable discretion in implementing these safeguards, including the flexibility to provide for summary punishment and emergency suspensions of law enforcement officers.

It is also important to note what the bill does not do. The bill explicitly provides that the standards and protections governing internal investigations shall not apply to investigations of criminal misconduct by law enforcement officers. As a result, criminal investigations, such as the investigation of the recent allegations of police brutality in Los Angeles and New York, would not be affected by this bill.

Moreover, the protections in my bill do not apply to minor violations of departmental rules or regulations, nor to actions taken on the basis of an officers' employment-related performance.

Mr. President, this week, we reflect on the courage and self-sacrifice of the young men and women who lost their lives in the defense of our families and homes as police officers. As we honor these fallen heroes, I think we should also reflect on the commitment of those brave individuals who continue to risk their lives by providing front-line law enforcement officers with the protections they deserve. Ones which we as Americans would expect for ourselves.

Mr. President, I ask unanimous consent that a factsheet laying out elements of the bill along with a copy of the bill, which already has a number S. 1043, be printed in the RECORD.

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

S. 1043

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 "Police Officers' Bill of Rights Act of 1991".

SEC. 2. RIGHTS OF LAW ENFORCEMENT OFFICERS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end thereof the following new section:

"RIGHTS OF LAW ENFORCEMENT OFFICERS

"SEC. 819. (a) POLITICAL ACTIVITY.—Except when on duty or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

"(b) RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION.—When a law enforcement officer is under investigation or is subjected to questioning for any reason, other than in connection with an investigation or action described in subsection (h), under circumstances that could lead to disciplinary action, the following minimum standards shall apply:

"(1) Questioning of the law enforcement officer shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty, unless exigent circumstances otherwise require.

"(2) Questioning of the law enforcement officer shall take place at the offices of those conducting the investigation or the place where such law enforcement officer reports for duty unless the officer consents in writing to being questioned elsewhere.

"(3) The law enforcement officer under investigation shall be informed, at the commencement of any questioning, of the name, rank, and command of the officer conducting the questioning.

"(4) During any single period of questioning of the law enforcement officer, all questions shall be asked by or through a single investigator.

"(5) The law enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any questioning.

"(6) Any questioning of a law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of the law enforcement officer.

"(7) No threat against, harassment of, or promise or reward (except an offer of immunity from prosecution) to any law enforcement officer shall be made in connection with an investigation to induce the answering of any question.

"(8) All questioning of any law enforcement officer in connection with the investigation shall be recorded in full in writing or by electronic device, and a copy of the transcript shall be made available to the officer under investigation.

"(9) The law enforcement officer under investigation shall be entitled to the presence of counsel (or any other one person of the officer's choice) at any questioning of the officer, unless the officer consents in writing to being questioned outside the presence of counsel.

"(10) At the conclusion of the investigation, the person in charge of the investigation shall inform the law enforcement officer under investigation, in writing, of the investigative findings and any recommendation for disciplinary action that the person intends to make.

"(11) A law enforcement officer who is brought before a disciplinary hearing shall be provided access to all transcripts, records, written statements, written reports and analyses and video tapes pertinent to the case that—

"(A) contain exculpatory information;

"(B) are intended to support any disciplinary action; or

"(C) are to be introduced in the disciplinary hearing.

"(c) OPPORTUNITY FOR A HEARING.—(1) Except in a case of summary punishment or emergency suspension described in subsection (d), if an investigation of a law enforcement officer results in a recommendation of disciplinary action, the law enforcement agency shall notify the law enforcement officer that the officer is entitled to a hearing on the issues by a hearing officer or board.

"(2)(A) Subject to subparagraph (B), a State shall determine the composition of a disciplinary hearing board and the procedures for a disciplinary hearing.

"(B) A disciplinary hearing board that includes employees of the law enforcement agency of which the officer who is the subject of the hearing is a member shall include at least one law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

"(3) A disciplinary hearing board shall not have power to impose disciplinary action against a law enforcement officer that is more severe than the action recommended by the person in charge of the investigation of the officer.

"(d) SUMMARY PUNISHMENT AND EMERGENCY SUSPENSION.—(1) This section does not preclude a State from providing for summary punishment or emergency suspension for misconduct by a law enforcement officer.

"(2) An emergency suspension shall not affect or infringe on the health benefits of a law enforcement officer.

"(e) NOTICE OF DISCIPLINARY ACTION.—When disciplinary action is to be taken against a law enforcement officer, the officer shall be notified of the action and the reasons therefor a reasonable time before the action takes effect.

"(f) RETALIATION FOR EXERCISING RIGHTS.—There shall be no penalty or threat of penalty against a law enforcement officer for the exercise of the officer's rights under this section.

"(g) OTHER REMEDIES NOT IMPAIRED.—(1) Nothing in this section shall be construed to impair any other legal remedy that a law enforcement officer has with respect to any rights under this section.

"(2) A law enforcement officer may waive any of the rights guaranteed by this section.

"(h) APPLICATION OF SECTION.—This section does not apply in the case of—

"(1) an investigation of criminal conduct by a law enforcement officer; or

"(2) a nondisciplinary action taken in good faith on the basis of a law enforcement officer's employment-related performance.

"(i) DEFINITIONS.—For the purposes of this section—

"(1) the term 'disciplinary action' means the suspension, demotion, reduction in pay or other employment benefit, dismissal, transfer, or similar action taken against a law enforcement officer as punishment for misconduct;

"(2) the term 'emergency suspension' means temporary action imposed by the head of the law enforcement agency when that official determines that the action is in the best interests of the public;

"(3) the term 'summary punishment' means punishment imposed for a minor violation of a law enforcement agency's rules and regulations that does not result in disciplinary action;

"(4) the term 'law enforcement agency' means a public agency charged by law with the duty to investigate crimes or apprehend or hold in custody persons charged with or convicted of crimes; and

"(5) the term 'law enforcement officer' means a full-time police officer, sheriff, or correctional officer of a law enforcement agency.

"(j) PROHIBITION OF ADVERSE MATERIAL IN OFFICER'S FILE.—A law enforcement agency shall not insert any adverse material into the file of any law enforcement officer unless the officer has had an opportunity to review and comment in writing on the adverse material.

"(k) DISCLOSURE OF PERSONAL ASSETS.—A law enforcement officer shall not be required or requested to disclose any item of the officer's personal property, income, assets, sources of income, debts, personal or domestic expenditures (including those of any member of the officer's household), unless

"(1) the information is necessary in investigating a violation of any Federal, State, or local law, rule, or regulation with respect to the performance of official duties; or

"(2) such disclosure is required by Federal, State, or local law.

"(l) ENFORCEMENT OF PROTECTIONS FOR LAW ENFORCEMENT OFFICERS.—(1) A State shall have not more than 2 legislative sessions to enact a Law Enforcement Officers' Bill of Rights that provides rights for law enforcement officers that are substantially similar to the rights afforded under this section.

"(2) After the expiration of the time limit described in paragraph (1), a law enforcement officer shall have a cause of action in State court for the recovery of pecuniary and other damages and full reinstatement against a law enforcement agency that materially violates the rights afforded by this section.

"(3) The sovereign immunity of a State shall not apply in the case of a violation of the rights afforded by this section.

"(m) STATES' RIGHTS.—This section does not preempt State law or collective bargaining agreements or discussions during the collective bargaining process that provide rights for law enforcement officers that are substantially similar to the rights afforded by this section.".

FACTSHEET: POLICE OFFICERS' BILL OF RIGHTS ACT OF 1991

The Police Officers' Bill of Rights Act of 1991 provides procedural standards and safeguards for the conduct of internal investigations in law enforcement agencies.

The specific rights and protections of law enforcement officers guaranteed by this bill include:

The right to engage or refrain from independent, off-the-job political activities;

The right to be informed in writing of the charges brought against a police officer in an internal investigation;

The right to be free from undue coercion or harassment during an internal investigation; and

The right to have counsel present during interviews conducted in the course of an internal investigation.

The procedural safeguards in the Police Officers' Bill of Rights are modeled on the standards for internal investigations established by the National Commission on the Accreditation of Law Enforcement Agencies.

The bill reserves substantial discretion for states in implementing state Police Officers Bill of Rights. The protections in this bill do not apply to punishment imposed for minor violations of a department's rules, nor to ac-

tions taken on the basis of an officer's job-related performance.

Police officers whose rights are violated would be authorized to recover pecuniary and other damages, including reinstatement, by filing suit in an appropriate state court.

The Police Officers' Bill of Rights, however, would not apply to criminal investigations of police misconduct. Under this bill, police officers under criminal investigation would have the same rights—no more, no less—than other criminal defendants.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. AKAKA):

S. 1044. A bill entitled the "Federal Information Resources Management Act"; to the Committee on Governmental Affairs.

FEDERAL INFORMATION RESOURCES MANAGEMENT ACT

• Mr. GLENN. Mr. President, I am today introducing the Federal Information Resources Management Act. Senators LEVIN, and AKAKA join me as sponsors of this legislation. Upon introduction, this bill to reauthorize the Paperwork Reduction Act will be taken up by the Governmental Affairs Committee, and, I hope, will soon be returned to the full Senate for adoption. I ask that the full text of the bill be inserted in the RECORD following my remarks.

BACKGROUND

This bill is a far reaching piece of legislation, which the committee has worked on for over 2 years. It would advance the goals of the Paperwork Reduction Act and provide for more comprehensive information resources management in Federal agencies.

The bill has a number of important purposes. It would extend the authorization of appropriations for the Office of Information and Regulatory Affairs [OIRA] in the Office of Management and Budget [OMB]. It would continue and expand upon paperwork reduction efforts in the Federal Government. It would reaffirm the commitment to lifecycle management of Federal information resources. It would strengthen the information infrastructure and statistical data base of the Federal Government, including improving agency capabilities and public access to Government information. It would also improve the effectiveness and accountability of OIRA.

While this bill is new legislation in the 102d Congress, it is not news to anyone who has followed my efforts to reauthorize the Paperwork Reduction Act, something that I have most clearly committed myself to. This bill reflects the compromise reached during the closing days of the 101st Congress. This compromise involved an agreement among Democrats and Republicans in both the Senate Governmental Affairs Committee and the House Government Operations Committee, as well as the administration.

While the objections of a handful of anonymous Republican Senators killed any chance of Senate consideration of the compromise in the 101st Congress, I return to the Senate today to renew that compromise. It is a fair compromise, and it is a realistic compromise—just as it was fair and realistic 6 months ago, when Senator ROTH, ranking minority member on the Governmental Affairs Committee, and I stood before the Senate to say that we had an agreement, that the President supported it, and that our counterparts in the House supported it, as well.

To understand that this bill is a good bill and is broad enough to receive the support necessary for passage, let me review its history.

The Paperwork Reduction Act, for all its good intentions, has always been accompanied by controversy. Issues relating to OIRA paperwork clearance and regulatory review, for example, frustrated attempts to reauthorize the act between 1983 and 1986. This was one reason that the Governmental Affairs' Subcommittee on Government Information and Regulation, then chaired by the Senator from New Mexico [Mr. BINGAMAN], began addressing reauthorization before the act's September 31, 1989, expiration of authorization.

The subcommittee carefully examined a wide range of issues related to the Paperwork Reduction Act and developed legislation that would become S. 1742. After the introduction of S. 1742, additional hearings were held at the full Governmental Affairs Committee.

Throughout this time period, from mid-1989 through the summer of 1990, negotiations among staff, the administration, and the various interest groups continued. The committee markup reflected this process. It produced compromise, calls for more compromise, and calls for resolution of what appeared to some to be an untractable situation.

In the fall of 1990, further negotiations led to further compromise and the belief that a realistic workable bill was at last achieved. Unfortunately, however, reauthorization of the Paperwork Reduction Act in 1990 was not to be.

THE FEDERAL INFORMATION RESOURCES MANAGEMENT ACT OF 1991

The bill that I am introducing today reflects the substance of the fall 1990 compromise. Again, I have no doubt that this would be law now but for the objections of a few nameless Senators. Having come this far, with such a contentious matter, it seems simply foolish for individual interest groups who support the act to insist on very narrow positions regardless of the very well-known positions and power of other interest groups. While we might all wish the world was otherwise, this compromise is simply the only way to achieve reauthorization of the Paperwork Reduction Act.

The bill's major provisions include:

First, reauthorization of appropriations for OIRA for 4 years from the date of enactment;

Second, expansion of both OIRA and agency responsibilities to ensure the elimination of unnecessary Government paperwork;

Third, strengthening information resources management requirements to maximize the benefits of Government information activities, while minimizing their burdens on the public;

Fourth, articulation of basic information policy principles to reflect the positive role played by public information;

Fifth, creation of specific principles and procedures to guide agency information dissemination;

Sixth, increasing public understanding of and participation in agency and OIRA paperwork clearance decisions;

Seventh, principles and procedures to guide OIRA review of agency regulatory activities; and

Eighth, requirements for improved records management, and better reporting on routine uses of personal information under the Privacy Act.

THE LEGISLATION'S PROVISIONS

FINDINGS AND PURPOSES

Upon evaluation of the first 10 years of implementation of the paperwork Reduction Act of 1980, we have found that despite OMB and Federal agency efforts to reduce unnecessary paperwork, the paperwork burden on the public has increased. More work is needed to reduce that burden on individuals, businesses, educational institutions, and State and local governments. OMB must also do more to ensure that its review of agency submissions is done in a timely and publicly accountable manner.

We have also found that reduction of Government paperwork and the accomplishment of other important governmental purposes requires the revision of Federal information policy, particularly given the changing information needs of the Government and society. This is precisely what the Commission on Federal Paperwork recommended in 1977, and what led to the initial development of the Paperwork Reduction Act of 1980.

Improving Federal information policy requires stronger leadership from Congress and the executive branch, a clearer articulation of the Federal Government's responsibility to maintain the flow of public information, and a clearer understanding of the positive role played by public information. It is a valuable national resource that informs citizens about their Government, society, and economy. It is a means to ensure Government accountability. It is a tool for Government management. It also is often a commodity with economic value.

Improvements in Federal information policy also depend on further efforts of OMB to fulfill the various in-

formation resources management mandates of the act in order to strengthen Federal agency information management capabilities.

The legislation I am introducing today builds on these findings to clarify and expand the Paperwork Reduction Act's guiding purposes in order to give greater precision to the policies behind the act's original principles and requirements.

AUTHORIZATION OF APPROPRIATIONS

To provided an added degree of stability to OIRA operations, the authorization of appropriations is lengthened by 1 year from the current 3-year period. The bill authorizes appropriations of $5,500,000 for fiscal year 1992, $6,500,000 for 1993, and $7 million for each of 1994 and 1995.

THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Implementation of the Paperwork Reduction Act depends most clearly on the efforts of the Office of Management and Budget's Office of Information and Regulatory Affairs [OIRA], which was created by the act. In order to strengthen OIRA's ability to perform its duties under the act, the bill mandates that the head of OIRA be appointed with special attention to his or her qualifications and credentials as they relate to the functions of the office.

The bill also addresses the specific functions delegated to OIRA. It strengthens the act's requirements for OIRA attention to information resources management, the reduction of information collection burdens, statistics, privacy, information dissemination, and information technology.

FEDERAL AGENCY RESPONSIBILITIES

To complement added responsibilities for OIRA, the bill expands Federal agency responsibilities to carry out the various purposes of the act. It strengthens the requirements for agency institutional commitment to information resources management efforts. This includes a variety of management efforts, one of which is ensuring the establishment of a complementary agency capability to gather public comments and assess the burdens of its information collection activities, and to review paperwork proposals before they are submitted to OIRA for review.

The bill also establishes specific provisions to guide agency information dissemination activities. Again, this complements the articulation of specified OIRA information dissemination functions. In both cases, these provisions give detail to general dissemination management sections already in the act.

The bill lays out the important public policy principles that should govern information dissemination by Federal agencies, for example the responsibility to establish and maintain systems for dissemination of information to ensure timely, equitable, and equal public access to Government information. To carry out these principles, the bill provides specific guidelines to govern the dissemination of significant information products or services. These new provisions are needed to ensure that as agencies enter the electronic information age their significant information dissemination activities be designed with particular attention to their impact on public access to public information, and that any impediments to broad public access to information be narrowly drawn.

In total, the dissemination provisions represent an approach that is balanced between decentralized agency responsibilities and centralized OMB management oversight, between the Government's obligation to disseminate public information and recognition of the vital role of the private information industry inproviding information to the public, and between the commitment to ensure the free flow of public information and the need to manage Government operations consistent with the proper performance of agency functions. Altogether, I believe this approach works and is without a doubt necessary to help move the Federal Government into the electronic information age.

PAPERWORK CLEARANCE

The provisions of the act that have always had the broadest interest are those relating to the reductions of burdens imposed on the public by Federal Government information collection activities. These paperwork reduction requirements are also a matter of longstanding Government policy, having been first enacted in the Federal Reports Act of 1942.

The legislation I am introducing today explicitly maintains and strengthens the act's paperwork reduction provisions. It links the act's traditional 5 percent paperwork reduction goal to findings of unnecessary paperwork as opposed to the symbolic but ultimately senseless requirement that information collection burdens simply be reduced by 5 percent each year.

Further reality is given to the goal provision by requiring that the Administrator identify initiatives to eliminate unnecessary burdens of Federal information collections, as well as areas of duplicative information requests and develop a schedule and methods for eliminating them.

Responding to continuing concerns about public participation in information collection decisions, the bill standardizes agency practices to ensure the establishment of an agency public file for information relating to activities reviewed by OIRA. It ensures that agency paperwork notices contain sufficient information so as to reasonably inform the public about the substance of information collection activities. It creates a 30-day public comment period so that the public can comment to OIRA before it makes any paperwork clearance decision. It also requires OIRA to make public and more fully explain its paperwork clearance decisions.

In a dual effort to strengthen agency internal paperwork review responsibilities and to streamline OIRA review of uncontroversial paperwork, the Governmental Affairs Committee labored to come up with a process that would improve decisionmaking without unduly burdening agencies or OIRA. The result is an internal agency review and public comment process, generally described as the agency self-certification process.

The self-certification process does not weaken OIRA paperwork clearance, but rather increases agency responsibility to more closely scrutinize its own information collection activities. It should be apparent to all that paperwork reduction will never truly be realized until each Federal agency institutionalizes the principles of paperwork reduction and is able to more effectively manage its own information activities. The self-certification process is intended to continue the movement in this direction, while retaining OIRA management controls. This is entirely consistent with the act's original provision for OIRA delegation of paperwork clearance to agencies that prove capable of managing their own information collection activities.

The paperwork clearance process is also altered to allow for expedited approval of burden reduction proposals when agencies revise current information collection activities to reduce their paperwork burden. This is a simple provision which merely gives agencies an incentive to reduce all unnecessary paperwork burdens.

The legislation maintains the act's original provisions for OIRA review of information collection requirements contained in rules. This continues to be an essential element of the act. It ensures that regulatory paperwork is cleared by OIRA, but is done so in a manner consistent with the rulemaking process created by the Administrative Procedure Act. The legislation's new self-certification provisions for regulatory paperwork are consistent with this important purpose and are not intended to alter the existing balance between agencies and OIRA.

OTHER MANAGEMENT IMPROVEMENT INITIATIVES

In the attempt to support OIRA and agency efforts to reduce paperwork and otherwise improve the management of Federal information resources, the legislation makes a number of other changes in current law.

It strengthens the requirements for the creation of a Federal Locator System [FILS]. This has been a neglected part of the Paperwork Reduction Act, but advances in information technology and improved understanding of FILS' purposes suggest that the time is

ripe for development of a workable inventory and locator system for Government information resources. Such a system, or set of systems, has the potential to assist agency management of information, better inform agencies and the public about information collection activities, and improve public access to public information.

The bill requires each agency with an information technology budget over $50 million annually to establish an agency oversight committee to review major automatic data processing projects. In addition, OIRA must issue criteria for agency evaluation of major ADP projects.

The bill strengthens requirements for Government information resources management planning, consultation with the public, and reporting to Congress. Again, this should help not only in the fight against unnecessary paperwork, but also in the effort to improve information resources management and Federal information policy.

The bill revises current records management requirements to clarify the authority of the National Archives and Records Administration to issue binding agency records management regulations, including the definition of record, and to inspect agency records to ensure compliance with records management requirements and to determine whether specific agency records warrant preservation.

The bill improves review and reporting on routine uses of personal information under the Privacy Act. This is necessary given the inadequate attention given by OIRA and virtually all Federal agencies to the personal privacy protections provided by the Privacy Act. Particularly, as the Federal Government enters the electronic information age, it is very important that everyone appreciate the consequences for personal privacy created by government use of information about individuals.

REGULATORY REVIEW—THE MOST CONTENTIOUS ISSUE

Among the bill's provisions, I think it is fair to say that only one remains very contentious and deserves a more detailed explanation. That provision is, of course, concerned with regulatory review.

As a preface, I must note that its status as a statutory provision is the only new element from last fall's compromise. I say its status, because part of last fall's agreement was that upon enactment of the compromise reauthorization legislation, the President would issue an executive order covering OIRA regulatory review. Title II of the present bill is that agreed-upon order—the only changes being those required to transform it into statutory language.

In including the regulatory review provision, I wish to make it very clear that my intention is to hold up my end of a fair bargain. I stand by the agreement I made 6 months ago with the administration, and with Democrats and Republicans in both the Senate and the House.

I stand by that agreement because after 2 years of trying, I firmly believe that without this reasonable compromise, the diverse interests with a stake in the Paperwork Reduction Act and OIRA will succeed only in dooming reauthorization of this very important Act. The truth of the matter is that while different sets of interest groups have enough clout to kill any bill they do not like, none has the power to assure passage of their preferred legislation. I say this not to criticize any of the groups, but merely to state a fact.

And let me recall a little history. The Paperwork Reduction Act was not authorized between 1983 and 1986. It remained unauthorized despite repeated attempts to craft legislation by both Republican and Democratic members of the Governmental Affairs Committee, then chaired by our current ranking minority member, WILLIAM ROTH. The stumbling blocks then were precisely the same issues that are now frustrating reauthorization. And rest assured, when the act was finally reauthorized, it was not because of any resolution of those issues, but because the bill was inserted into the continuing resolution.

This brings me back to the present. Six months ago we had a good compromise that should have worked. Now we face the prospect of going back to square one. I want the Paperwork Reduction Act reauthorized as much as anyone, but I am a realist. I will not beat my head against a locked door. Thus, I say again that I will stand by my agreement, and absent administration support for the agreement, the least I can do is preserve the regulatory review portion in legislation.

As for the regulatory review procedures themselves: Lest anyone has forgotten, their origin is found in the long record of Governmental Affairs Committee attention, both under Democratic and Republican leadership, to repeated concerns raised about OIRA interference with the regulatory process and the need for more sunshine on the OIRA process.

While the administration opposed legislating in this area, finally in 1990 it did agree to a new set of regulatory review procedures to strengthen the disclosure procedures contained in the 1986 memorandum issued by then OIRA Administrator, Wendy Gramm. That memo was itself the product of negotiations between OMB and Senators CARL LEVIN and DAVE DURENBERGER. As in 1986, Senator LEVIN played a significant role in helping to reach the 1990 agreement.

The agreement and the bill I am introducing today contain:

Basic Principles For OIRA Regulatory Review. These will provide that OIRA review must comport with the Administrative Procedure Act and substantive legislative requirements of agencies.

The 1986 Public Disclosure Procedures. These provisions will continue to help insure public participation in rulemaking by giving the public access to regulatory materials. This includes draft regulatory proposals, letters concerning such proposals, and lists of relevant meetings and conversations.

Time Limits For OIRA Regulatory Review. This is perhaps the most important new provision. OIRA will have 60 days to review draft rules. For good cause and with notice to the agency, OIRA may take another 30 days.

While the President or his designee may extend these deadlines to resolve outstanding issues, OIRA must notify the public when the initial 60-day period has expired. Such notices must be placed in the OIRA public reading room as well as published in the Federal Register by the agency.

OIRA Notice Requirements. OIRA must notify agencies of review decisions and publish a monthly log of those decisions. Moreover, agencies must publish in the Federal Register monthly lists of draft rules for which OIRA regulatory review has been completed.

In addition to these provisions, OMB Director Richard Darman assured Senator LEVIN and me that even under current procedures OIRA will promptly respond to any request from any Member of Congress as to the status of a particular rule under review at OIRA.

These provisions, with the combination of time limits, notice requirements, and monthly logs, assure agencies and the public that draft rules will no longer be lost in any OMB black hole. They will know which draft rules have made it through OIRA, which have not, and the significant problems OIRA has raised about such draft rules.

CHANGES FROM LAST FALL

The bill I am introducing today does omit four provisions found in last fall's compromise. First, we have dispensed with the creation of a Commission on Information Policy. It seems to be unnecessary given weak support for it last year, as well as the fact that the bill continues to contain a mandate for OMB to establish advisory committees on statistics and information policy. Eliminating the Commission will also save $1 million. Second, we have deleted provisions relating to mandatory use of FTS 2000, an ADP inventory, and the application of new information dissemination standards to the National Library of Medicine [NLM]. With regard to FTS 2000, the Senate has repeatedly stood behind mandatory use of FTS 2000. This is reflected in the current mandate in appropriations law. In addition, the Governmental Affairs

Committee held a hearing on FTS 2000 on March 20, 1991, and will direct more attention to the issues surrounding FTS 2000 in the near future. We also plan to give the other issues more complete consideration at the committee level.

CONCLUSION: A GOOD COMPROMISE

In introducing this bill today, I want to make it very clear that I am standing by my commitment to work for the reauthorization of the Paperwork Reduction Act. This is a good bill that strengthens the act. It is also a realistic bill that stands an excellent chance of passage.

I also want to make it very clear that in introducing this bill I am standing by the commitment I made 6 months ago to the other members of the Governmental Affairs Committee, both Democrat and Republican, to Democratic and Republican members of the House Government Operations Committee, and to the administration, to agree to a compromise solution to what had otherwise become a seemingly intractable problem.

Incidentally, part of that agreement was and continues to be that the Governmental Affairs Committee will examine the issues surrounding third party disclosure requirements and the Supreme Court decision, Dole versus United Steelworkers, upon Senate passage of this legislation.

In standing by the agreement I must say again that this bill is not a starting point. It is the ending point. I have no doubt that any other approach will make reauthorization virtually impossible for the foreseeable future.

Again, I believe this bill is a good bill and that it will improve the operations of OIRA and will serve the public interest. It will improve the paperwork review process, our information policy setting process, and the regulatory review process. I urge my colleagues to support its passage.

I ask unanimous consent that the full text of the bill be printed.

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

S. 1044

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 "Federal Information Resources Management Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Federal information policy requires revision and updating;

(2) despite the significant effort to reduce unnecessary paperwork burden, such burden has continued to increase;

(3) more needs to be done to eliminate any unnecessary paperwork burden on individuals, businesses, educational institutions, and State and local governments, particularly with respect to any unnecessary burden associated with Federal procurement, grant programs, Federal taxation, and United States international competitiveness;

(4) the Office of Management and Budget must do more to fulfill its full range of information policy functions in order to meet the changing information needs of the Government and society;

(5) the information resources management concept is not well understood in Federal agencies, and the Office of Management and Budget needs to do more to promote this concept as a means of strengthening agency information management capabilities;

(6) coordination of Federal information policy depends on stronger leadership from the Congress and the executive branch;

(7)(A) the unrestricted flow of public information from the Federal Government to citizens of the United States is essential to the proper operation of the United States as a democratic society;

(B) public information is a valuable national resource that provides citizens with knowledge of their Government, society, and economy—past, present, and future; and

(C) public information is a means to ensure the accountability of Government and is an essential tool for managing the Government's operations and it also is often a commodity with economic value in the marketplace;

(8) the Federal Government has the responsibility to ensure the flow of public information between the Government and its citizens; and

(9) the Office of Management and Budget review of Federal agency submissions requires less delay and more public accountability.

SEC. 3. TABLE OF CONTENTS.

The contents of this Act are as follows:

TITLE I—INFORMATION RESOURCES MANAGEMENT OF FEDERAL DEPARTMENTS AND AGENCIES

SEC. 101. PURPOSES.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) ensure the greatest possible public benefit from information collected, maintained, used, disseminated, and retained by the Federal Government;

"(2) eliminate any unnecessary Federal paperwork burden for individuals, small businesses, educational institutions, State and local governments, and other persons;

"(3) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, and disseminating information;

"(4) emphasize Federal information resources management as a comprehensive and integrated process for improving the efficiency and effectiveness of government information activities;

"(5) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and efficiency in Government and society;

"(6) ensure that automatic data processing, telecommunications, and other information technologies are acquired and used to achieve all purposes of Federal information policy under chapter 35 of title 44, United States Code;

"(7) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(8) improve the accountability of the Office of Management and Budget and all Federal agencies to Congress and the public for the effective implementation of this chapter;

"(9) ensure that the collection, maintenance, use, dissemination, and retention of information by the Federal Government is consistent with applicable laws, including laws relating to—

"(A) confidentiality of information, including section 552a of title 5, United States Code;

"(B) security of information including the Computer Security Act of 1987 (Public Law 100–235);

"(C) access to information, including section 552 of title 5, United States Code; and

"(D) collection, dissemination, and retaining of information, including title 44, United States Code;

"(10) encourage a diversity of public and private providers for public information products, consistent with the Government's obligation to disseminate public information;

"(11) provide for the dissemination to the public of public information products and services on timely and equal terms;

"(12) disseminate public information equitably and in a manner that promotes the usefulness of the information to the public; and

"(13) strengthen the partnership between the Federal Government and State and local

governments in the collection and sharing of government information.".

SEC. 102. DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by redesignating paragraphs (13) and (14) (as designated before the date of the enactment of this Act) as paragraphs (15) and (16), respectively;

(3) by redesignating paragraph (15) (as designated before the date of the enactment of this Act) as paragraph (18);

(4) by redesignating paragraph (16) (as designated before the date of the enactment of this Act) as paragraph (19) and striking out "and" at the end of such paragraph;

(5) by redesignating paragraph (17) (as designated before the date of the enactment of this Act) as paragraph (21);

(6) by inserting before paragraph (2) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(1) the term 'Administrator' means the Administrator of the Office of Information and Regulatory Affairs established under section 3503;";

(7) by amending paragraph (4) (as redesignated by paragraph (1) of this section) by inserting before the semicolon "including the resources expended for reviewing instructions, searching existing data sources, obtaining, compiling, and maintaining the necessary data, completing and reviewing the collection of information, and transmitting or otherwise disclosing the information involved";

(8) by inserting after paragraph (13) (as redesignated by paragraph (1) of this section) the following new paragraph:

"(14) the term 'information resources' includes—

"(A) data and information in any format;

"(B) information resource management professionals; and

"(C) related resources such as information technology;";

(9) by amending paragraphs (15) and (16) (as redesignated by paragraph (2) of this section) to read as follows:

"(15) the term 'information resources management' means—

"(A) the process—

"(i) of defining in a systematic way the information needs to effectively accomplish the agency missions, goals, and objectives;

"(ii) of managing information resources to efficiently, economically, and equitably meet the defined information needs; and

"(iii) of integrating the skills of individuals in the various information resources management functions set forth in section 3504 of this title,

in order to provide for the information needs of the agency in a reliable, accurate, complete, and timely manner; and

"(B) such process extends through the stages of collection or creation, processing, use, retention, dissemination, and disposition of information by agencies and includes the management activities of planning, budgeting, organizing, directing, controlling, and evaluating the use of such resources;

"(16) the term 'information system' means—

"(A) information developed or acquired and maintained through either manual or automated means to fulfill an agency's mission, goals, or objectives;

"(B) the processes and procedures to obtain, maintain, use, retain, and disseminate information; and

"(C) the related information technology resources;";

(10) by inserting before paragraph (18) (as redesignated by paragraph (3) of this section) the following new paragraph:

"(17) the term 'information technology' means the hardware and software used in connection with Government information, regardless of the technology involved, and including automatic data processing equipment, as defined under section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a));"; and

(11) by inserting before paragraph (21) (as redesignated by paragraph (5) of this section) the following new paragraph:

"(20) the term 'public information' means any information, regardless of format, that an agency discloses, disseminates, or makes available to the public pursuant to law, rule, regulation, policy, or practice, and any part of that information; and".

SEC. 103. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 3503 of title 44, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Administrator shall be appointed with special attention to professional qualifications and credentials which shall include education, work experience, or related professional activities required to administer the functions of the Office of Information and Regulatory Affairs described under this chapter.".

SEC. 104. AUTHORITY AND FUNCTIONS OF THE DIRECTOR.

(a) IN GENERAL.—Section 3504(a) of title 44, United States Code, is amended to read as follows:

"(a)(1) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the elimination of any unnecessary paperwork burden, Federal statistical activities, records management activities, privacy and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director under this section shall be exercised consistent with applicable law.

"(2) The Director shall ensure that the Office of Information and Regulatory Affairs shall give balanced emphasis to all the functions under this chapter.

"(3) The Director shall ensure that the development of information policies shall be coordinated with agencies with shared information management responsibilities under this chapter and other provisions of law.

"(4) The Director shall coordinate the development and implementation of information policy through the establishment of interagency working groups.

"(5) The Director shall ensure the development of formalized training programs on information resources management by appropriate entities, for governmentwide use, and for the education of employees of the Office of Information and Regulatory Affairs on such concepts.

"(6)(A) The Director may initiate and conduct, with selected agencies and consenting non-Federal entities as appropriate, pilot projects and similar activities to test or demonstrate the feasibility and value of changes or innovations in Federal policies, rules, regulations and agency procedures to improve information practices and related activities.

"(B) The Director shall inform the President and the Congress of the findings and progress of such projects and activities.

"(C) All Federal agencies shall cooperate to the greatest extent allowed by law with the conduct of such projects and activities.".

(b) INFORMATION COLLECTION FUNCTIONS.—Section 3504(c) (5) and (6) of title 44, United States Code, are amended to read as follows:

"(5) promoting the elimination of unnecessary burdens imposed through the collection of Federal information, with particular emphasis on those persons most heavily burdened, including small businesses, educational institutions, and State and local governments, especially in the areas of Federal procurement, grant programs, Federal-State cooperative programs, Federal taxation, and United States international competitiveness;

"(6) coordination with the Office of Federal Procurement Policy to address unnecessary paperwork burdens associated with procurement and acquisition; and".

(c) STATISTICAL POLICY AND COORDINATION FUNCTIONS.—Section 3504(d) of title 44, United States Code, is amended to read as follows:

"(d)(1) The statistical policy and coordination functions of the Director shall include—

"(A) coordinating and providing leadership for development of the Federal statistical system;

"(B) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

"(C) ensuring the integrity, objectivity, impartiality, and confidentiality of the Federal statistical system;

"(D) reviewing budget proposals of agencies to ensure that the proposals are consistent with such long-range plans and developing a summary and analysis of the budget submitted by the President to the Congress for each fiscal year of the allocations for all statistical activities;

"(E) coordinating, through the review of budget proposals and as otherwise provided in this chapter, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(F) developing and implementing governmentwide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and dissemination, and such statistical data sources as may be required for the administration of Federal programs;

"(G) evaluating statistical program performance and agency compliance with governmentwide policies, principles, standards, and guidelines;

"(H) promoting the timely release by agencies of statistical data to the public;

"(I) coordinating the participation of the United States in international statistical activities, such as the development of comparable statistics;

"(J) preparing an annual report to submit to the Congress on the statistical policy and coordination function;

"(K) integrating the functions described in this paragraph with the other information resources management functions specified in this chapter; and

"(L) appointing a chief statistician who is a trained and experienced professional statistician to carry out the functions described in this paragraph.

"(2) The Director shall establish an interagency working group on statistical policy headed by the chief statistician to coordinate agency activities in carrying out the functions under paragraph (1), consisting of the heads of the agencies with major statistical programs.

"(3) The Office of Management and Budget shall provide opportunities for long-term training in the statistical policy functions of the Office of Information and Regulatory Affairs to employees of the Federal Government. Each trainee shall be selected at the discretion of the Director based on agency requests and shall serve for at least six months and no more than one year. All costs of the training are to be paid by the agency requesting training.".

(d) PRIVACY FUNCTIONS.—Section 3504(f) of title 44, United States Code, is amended—

(1) in paragraph (2) by striking out "and" at the end thereof;

(2) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(4) overseeing the development of new information systems by Federal agencies containing personal information to ensure compliance with information policies, principles, standards, and guidelines, and existing information privacy laws; and

"(5) conducting periodic reviews of agency compliance, identifying problems, and reporting the results to the Senate Committee on Governmental Affairs and the House Committee on Government Operations.".

(e) AUTOMATIC DATA PROCESSING FUNCTIONS.—Section 3504(g) of title 44, United States Code, is amended—

(1) in paragraph (4) by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in paragraph (5) by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(6) developing and implementing policy guidance that describes the system by which Federal agencies shall initiate, approve, process, and evaluate plans for major acquisitions of automatic data processing equipment, including policy guidance for—

"(A) the establishment by each Federal agency having an annual information technology budget for automatic data processing equipment in excess of $50,000,000, a review committee on major acquisitions of automatic data processing equipment, chaired by the senior information resources management official designated for the agency pursuant to subsection (b) of section 3506;

"(B) the required evaluative techniques and criteria to be used by such committees—

"(i) to estimate life-cycle costs for that equipment; and

"(ii) to assess the economy and efficiency of proposed major acquisitions of that equipment in relation to mission needs and alternative acquisition strategies;

"(C) the required independent cost evaluations, as appropriate, of data developed pursuant to subparagraph (B);

"(D) requiring that information (other than classified information) which is developed pursuant to subparagraph (B) and which pertains to any major acquisition of automatic data processing equipment shall be included with the agency's annual budget request (in information technology exhibits) if any funds included in that request will be used for the acquisition, operation, or support of such equipment, except that such information shall be withheld from public disclosure if it would adversely affect the integrity of any related procurement through the release of proprietary or procurement sensitive information;

"(E) requiring that information included in an agency's annual budget request pursuant to subparagraph (D) shall be certified by the head of the agency as being complete and accurate; and

"(F) the establishment of criteria for periodic evaluation of automatic data processing equipment, after its acquisition, to assess its compatibility with assumptions and findings made pursuant to subparagraph (B) which relate to that equipment.

In paragraph (6), the term 'automatic data processing equipment' has the meaning that term has in paragraph (2) of section 111(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)). That paragraph does not apply to equipment or procurements described in paragraph (3) of that section.".

(f) DISSEMINATION GUIDANCE.—Section 3504 of title 44, United States Code, is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) The information dissemination functions of the Director shall include—

"(1) issuing policy guidance, after notice and receipt of public comment, that shall—

"(A) be applied by Federal agencies disseminating public information products and services;

"(B) be consistent with and promote the purposes of this chapter and the requirements for agencies under section 3506(j);

"(C) apply to all significant public information products and services, regardless of the format in which public information is disseminated;

"(D) supplement and not replace the provisions of section 552 of title 5 and other laws specifically requiring the disclosure of public information;

"(E) supplement and not replace the provisions of chapters 1, 5, 11, 13, 15, 17, and 19 of this title; and

"(F) reflect that each agency has the final administrative responsibility for the management of its Federal information resources and its information dissemination functions; and

"(2) promoting policy research and development in the area of information dissemination as a basis for developing effective guidance for program and policy development in the Federal agencies.".

SEC. 105. PAPERWORK REDUCTION GOALS.

Section 3505 of title 44, United States Code, is amended to read as follows:

"§ 3505. Paperwork reduction goals

"In carrying out the functions under this chapter—

"(1) to the extent that existing collections of information include unnecessary collections resulting in associated burdens of more than 10 percent of the total, the Director may upon the date of the enactment of the Federal Information Resources Management Act of 1991—

"(A) set a goal to reduce by September 30, 1992, the burden of Federal collections of information existing on September 30, 1991, by at least 5 percent, focusing on those collections of information identified as unnecessary; and

"(B) for the fiscal year beginning on October 1, 1992, set a goal to reduce the burden of Federal collections of information existing at the end of that year by at least 5 percent, focusing on those collections of information identified as unnecessary; and

"(2) the Director shall in the report next issued under section 3514 after the date of the enactment of the Federal Information Resources Management Act—

"(A) identify initiatives to eliminate any unnecessary burden of Federal collections of information associated with individuals, businesses, educational institutions, and State and local governments, particularly with respect to any unnecessary burden associated with Federal procurement, grant programs, Federal taxation and United States international competitiveness; and

"(B) identify areas of unnecessary duplication in information collection requests and develop methods for eliminating such duplications.".

SEC. 106. FEDERAL AGENCY RESPONSIBILITIES.

Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a) by striking out "Each agency" and inserting in lieu thereof "The head of each agency has administrative responsibility for the agency's information resources management activities and";

(2) in subsection (b)—

(A) by inserting "(1)" before "The head of each agency"; and

(B) by adding at the end thereof the following new paragraphs:

"(2)(A) Each official designated under paragraph (1) shall appoint a Chief Information Resources Management Official who shall—

"(i) report to the senior official (except in the case that the Chief Information Resources Management Official may be the senior official);

"(ii) be in the competitive service or in the senior executive service (except for that official designated within the Tennessee Valley Authority); and

"(iii) be a career appointee.

"(B) Any positions designated under this paragraph shall be career reserve positions (except for positions within the Tennessee Valley Authority).

"(C) The Chief Information Resource Management Official shall assist in agency information needs assessments and in the deployment of appropriate information technology to gather, process, use, and disseminate information that is—

"(i) critical to successful accomplishment of program goals and agency mission; or

"(ii) essential for efficient and effective agency management, particularly financial management.

"(3) Officials designated under paragraph (2) shall be well qualified through experience or training to carry out the programs and activities authorized under this chapter. Such officials shall be sufficiently independent of program responsibility, but shall work with program officials in fulfilling the requirements of subsection (c).";

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (4) through (9), respectively;

(B) by redesignating paragraphs (7) and (8) (as designated before the date of the enactment of this Act) as paragraphs (12) and (13), respectively;

(C) by inserting before paragraph (4) (as redesignated in subparagraph (A) of this paragraph) the following new paragraphs:

"(1) establish an agency-wide program of information resources management;

"(2) develop, implement, and evaluate formalized training programs in consultation with appropriate agencies, on information resources management concepts, and educate program officials about information re-

sources management as a managerial discipline requiring all managers to take responsibility for life cycle management of information resources;

"(3) develop information systems, processes and procedures that—

"(A) enhance the sharing of common data across program and agency lines consistent with law; and

"(B) maximize the usefulness and timely release of Government information to all users within and outside the agency, including the public where appropriate;";

(D) in paragraph (4) (as redesignated by subparagraph (A) of this paragraph) by amending such paragraph to read as follows:

"(4) systematically inventory and maintain current, complete records of the agency's information resources, including its major information systems, its automatic data processing equipment, and, except for good cause shown, its information resource management professionals, for use in developing and updating the agency's information resources management plans and for informing the public, consistent with other provisions of law;";

(E) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph) by inserting "and retaining" after "sharing, dissemination,";

(F) by inserting after paragraph (9) (as redesignated by subparagraph (A) of this paragraph) the following new paragraphs:

"(10) establish and maintain systems for dissemination of information that shall—

"(A) ensure that the public has timely, equitable, and equal access to the agency's public information products and services and that agency information dissemination programs disseminate agency public information products and services, regardless of format, in an efficient, effective, and economical manner;

"(B) plan and budget for information dissemination at the time information is created or collected, and at other appropriate steps during the information life cycle; and

"(C) provide to the Superintendent of Documents for distribution to the Federal Depository Library Program all publications regardless of format required by chapter 19 of this title to be made available;

"(11) when providing for the dissemination of significant public information products or services—

"(A) to the greatest extent practicable, shall disseminate in usable electronic formats (in whole and in part, and along with available software, indexes, and documentation) public information maintained in electronic formats;

"(B) shall utilize the Government Printing Office for the production and dissemination of information products and services, to the extent provided by chapters 5, 17, and 19 of this title;

"(C) before taking any action to initiate, terminate, or significantly modify a public information product or service, shall—

"(i) provide advance public notice, through the Federal Register and through other means likely to provide actual notice to interested persons;

"(ii) provide notice to the Superintendent of Documents;

"(iii) make available to the public a description of the proposed action and a detailed explanation of the reasons for the action;

"(iv) accept and consider public comments on the proposed action; and

"(v) comply with the requirements of section 1710 of this title;

"(D) may reduce or waive any user fees for disseminating public information if the agency determines that the dissemination may enhance an agency mission;

"(E) except where specifically authorized by statute, shall not—

"(i) establish an exclusive, restricted, or other distribution arrangement that interferes with timely, equal, and equitable availability of public information to the public;

"(ii) restrict or regulate the use, resale, or redissemination of public information products or services by the public;

"(iii) charge fees or royalties for resale or redissemination of public information;

"(iv) establish user fees for public information products that exceed the marginal cost of dissemination; or

"(v) establish a new information sales and dissemination program without providing advance notice to the Public Printer; and

"(F) in determining how to fulfill its public information dissemination functions, shall consider—

"(i) whether dissemination is required by law;

"(ii) whether dissemination is necessary for the proper performance of the functions of the agency;

"(iii) whether disseminating public information would assist in public oversight of agency operations or would promote the general social or economic welfare of the United States;

"(iv) if an information product or service available from other public or private sources is equivalent to an agency product or service and reasonably achieves the dissemination objectives of the agency product or service;

"(v) dissemination methods that will maximize the utility of the information to the public; and

"(vi) the economy and efficiency of Government operations;";

(G) in paragraphs (12) and (13) (as redesignated by subparagraph (B) of this paragraph) by amending such paragraphs to read as follows:

"(12) consistent with governmentwide policies and guidance periodically evaluate and, as needed, improve, the accuracy, completeness, reliability, and timeliness of data and records contained within Federal information systems and the capabilities of such systems for ensuring—

"(A) public access to public information; and

"(B) privacy, confidentiality, and security;

"(13) develop and annually update a five-year information resources management plan, in accordance with the appropriate guidelines issued by the Office of Management and Budget for meeting the agency's information and information technology needs;"; and

(H) by adding at the end thereof the following new paragraphs:

"(14) ensure appropriate coordination and integration of the agency's information resources management plan with the agency's strategic plan, budget, and financial management systems; and

"(15) in developing information systems, implement applicable governmentwide and agency policies, principals, standards and guidelines for financial management systems."; and

(4) by adding at the end thereof the following new subsections:

"(e) The head of each agency, or the official designated under subsection (b), shall establish a process for the review of each collection of information before it is submitted to the Director for review and approval under this chapter. At a minimum, this official shall ensure that the process—

"(1) is sufficiently independent of program responsibilities to evaluate fairly whether each collection of information should be carried out;

"(2) has sufficient resources to carry out such responsibility effectively; and

"(3) provides agency authority independent of agency program officers to approve, disapprove, and make needed improvements in any agency collection of information.

"(f) Under the process established in subsection (e), the senior official shall certify to the Director that—

"(1) the collection of information and any related instructions—

"(A) are necessary for the proper performance of the agency's functions and are not unnecessarily burdensome;

"(B) are not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) have practical utility;

"(D) are written using plain and unambiguous terminology and are understandable to those who are to respond;

"(E) use effective and efficient statistical survey methodology appropriate to the need for which the information is to be collected; and

"(F) explain the need and ultimate use of the information to be collected, and the importance of accurate and timely response; and

"(2) the agency has taken necessary steps—

"(A) to give notice to and consult with interested agencies and members of the public in order to enhance the clarity of that collection of information and to minimize its burden on respondents; and

"(B) to plan and allocate resources for the effective and efficient management and use of the information to be obtained.".

SEC. 107. APPROVAL AND DELEGATION OF INFORMATION COLLECTION; SELF-CERTIFICATION PROCESS.

Section 3507 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) by inserting "a summary of the request," after "title for the information collection request,";

(ii) by inserting "and benefit" after "an estimate of the burden"; and

(iii) by striking out "; and" and inserting in lieu thereof ", and given notice of a period of not less than 30 days for submission of comments by the public, and identification of an official at the agency and the Office of Management and Budget to whom comments may be submitted, including an address for each official;"; and

(B) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides, except as provided under subsection (g), at least 30 days for public comment to the agency and the Office of Management and Budget after publication of notice in the Federal Register, and the agency and the Director consider comments received regarding the proposed collection of information; and";

(2) in subsection (b)—

(A) by inserting "but not, except as provided under subsection (g), before the thirty-day public comment period has concluded," after "receipt of a proposed information collection request,"; and

(B) by adding at the end thereof "The Director shall provide a detailed written expla-

nation, to be placed in the public file and made available upon request for any information collection request reviewed by the Office of Management and Budget, of the reasons for any disapproval or modification of a substantive or material nature made by the Office.";

(3) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end thereof the following new paragraphs:

"(2)(A) If the head of the agency, or the designated senior official, decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) Thereafter, but no later than sixty days before the expiration date of the control number assigned by the Director for the currently approved information collection request, the agency shall—

"(i) evaluate the public comments received;

"(ii) conduct the review established by section 3506(e); and

"(iii) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the information collection request comports with the principles and requirements of this chapter.

"(C) Upon receipt of such certification, and prior to the expiration of the control number for that information collection request, the Director shall—

"(i) assure that the agency has taken the actions specified in section 3506(f)(2);

"(ii) evaluate the public comments received by the agency or by the Director;

"(iii) determine whether the agency certification complies with the standards set forth in section 3506(f)(1); and

"(iv) approve or disapprove the information collection request pursuant to this chapter.

"(3) If a certification is not provided to the Director prior to the beginning of the sixty-day period before the expiration of the control number as provided by paragraph (2)(B), the agency shall submit the information collection request for review and approval or disapproval under this chapter.

"(4) An agency may not make a substantive or material modification to an information collection request after it has been approved by the Director, unless the modification has been submitted to the Director for review and approval or disapproval under this chapter.";

(4) by amending subsection (h) to read as follows:

"(h)(1) In carrying out reviews of information collection requests under this chapter, the Director shall—

"(A) maintain a public file for each information collection request review under this chapter, which includes—

"(i) copies of any written communication to the Administrator of the Office of Information and Regulatory Affairs or to any employee thereof from any person not employed by the Federal Government or from any agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal; and

"(ii) information about any written submission received by the Office of Information and Regulatory Affairs from an agency, including—

"(I) the name of the agency;

"(II) the title or name of the submission;

"(III) the date of receipt by the Office;

"(IV) the name of the principal desk officer within the Office who reviews the submission;

"(V) copies of all agency submissions to the Office, and a detailed written explanation of the reasons for any disapprovals or approvals with substantive changes made by the Office with respect to a submission, as required by this section; and

"(VI) any decision made by the Office with respect to the submission, including the date of any action taken by the Office;

"(B) notify the head of the appropriate agency of all meetings involving employees of the Office of Information and Regulatory Affairs and any person who is not an employee of the Federal Government, and provide the agency head, or his or her designee, a reasonable opportunity to attend such meetings; and

"(C) consider public comments and other relevant material.

"(2) This subsection shall not require the public disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an executive order or an Act of Congress to be kept secret in the interest of national security or foreign policy; or

"(B) any communication between a person in the employ of the Office of Management and Budget and any other person in the employ of the executive office of the President; or

"(C) any communication made by an individual to an employee of the Office of Management and Budget disclosing information that the individual believes evidences a violation of the provisions of this chapter, where the disclosure of the communication could lead to retaliation or discrimination against such individual."; and

(5) by adding at the end thereof the following new subsections:

"(i)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this chapter.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why the agency rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if the Director has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) No provision of this section may be construed to limit the Director, in his discretion from—

"(A) disapproving any information collection request which was not specifically required by an agency rule;

"(B) disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirement of paragraph (1) of this subsection;

"(C) disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to the comments of the Director filed pursuant to paragraph (2) of this subsection was unreasonable; or

"(D) disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the detailed reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of subsection (c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) The decision of the Director to approve or not to act upon a collection of information requirement contained in an agency rule shall not be subject to judicial review.

"(j)(1) If the head of the agency, or the designated senior official, decides to seek extension of the Director's approval granted for a currently approved collection of information requirement, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and the burden imposed by, the collection of information requirement.

"(2) Thereafter, but no later than sixty days before the expiration date of the control number assigned by the Director for the currently approved collection of information requirement, the agency shall—

"(A) evaluate the public comments received;

"(B) conduct the review established by section 3506(e); and

"(C) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the collection of information requirement comports with the principles and requirements of this chapter.

"(3) Upon receipt of such certification, and prior to the expiration of the control number for that collection of information requirement, the Director shall—

"(A) assure that the agency has taken the actions specified in section 3506(f)(2);

"(B) evaluate the public comments received by the agency or by the Director;

"(C) determine whether the agency certification complies with the standards set forth in section 3506(f)(1); and

"(D) approve, unless—

"(i) the agency has failed to comply with paragraph (1), (2), or (3) of this subsection;

"(ii) the agency proposes to make substantive or material modification to the collection of information requirement;

"(iii) the Director finds the agency certification to be unreasonable or not adequately supported by the record compiled by the agency; or

"(iv) the Director determines that the record upon which the agency made the certification is not complete.

"(4) If, under paragraph (3), the Director disapproves or recommends or instructs the agency to make a substantive or material change to a collection of information requirement, the Director shall—

"(A) publish a detailed explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking limited to consideration of changes to the collection of information requirement and thereafter to submit the collection of information requirement for approval or disapproval under section 3507(i).

"(5) Nothing in this subsection affects the review process for a collection of information requirement, including a proposed change to an existing collection of information requirement, under section 3507(i) with respect to such collection of information requirement.

"(6) The Director may not approve a collection of information requirement for a period in excess of three years.

"(k) Upon request by the head of an agency, the Director shall approve a proposed change to an existing information collection request not later than 30 days after the Director receives the proposed change, and the information collection request shall thereafter remain in effect for the remainder of the period for which it was previously approved by the Director, if—

"(1) the information collection request has a current control number; and

"(2) the Director determines that the revision—

"(A) reduces the burden resulting from the information collection request; and

"(B) does not substantially change the information collection request.".

SEC. 108. FEDERAL INFORMATION LOCATOR SYSTEM.

Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Establishment and Operation of Federal Information Locator System

"(a) The Director shall cause to be established and maintained a Federal Information Locator System (hereafter in this section referred to as the 'system'), which shall—

"(1) serve as a comprehensive inventory, and as the authoritative register, of all information collection requests by the Federal Government to the public; and

"(2) be designed to assist agencies and the public in locating public information.

"(b) In designing the system, the Director shall—

"(1) designate as necessary one or more agencies to operate the system;

"(2) require the head of each agency to prepare in a form to be specified by the Director, and to submit for inclusion in the system, a data profile for each—

"(A) system of records of the agency required to be identified under section 552a of title 5; and

"(B) information collection request and each information collection requirement approved by the Director pursuant to section 3506;

"(3) ensure that no information which is not public information is included in the system.

"(c) Within one year after the date of the enactment of the Federal Information Resources Management Act, the Director shall—

"(1) determine, in consultation with other agencies and the Advisory Committee on Information Policy, the optimal composition of the system in order to accomplish its purposes; and

"(2) report to the Senate Committee on Governmental Affairs and the House Committee on Government Operations on the status of the development and implementation of the system, including the Director's determination as to the composition of the system and the appropriate operating entity.

"(d) The Director shall on an ongoing basis review the effectiveness of the Federal Information Locator System and make recommendations for improving the effectiveness of the system.".

SEC. 109. REVIEW OF AGENCY ACTIVITIES; REPORTING; AGENCY RESPONSE.

Section 3513 of title 44, United States Code, is amended—

(1) in subsection (a) in the first sentence by inserting "resources" after "information"; and

(2) by adding at the end thereof the following new subsections:

"(d) The Director shall on an ongoing basis review standards and requirements for agency audits for all major information systems and assign responsibility for conducting governmentwide or multiagency audits (except the Director may not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities.

"(e) The Director shall on an ongoing basis—

"(1) establish and review a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(2) identify initiatives to improve productivity in Federal operations using information processing technology;

"(3) develop and review a program to—

"(A) enforce Federal information processing standards, particularly software language standards, at all Federal installations;

"(B) revitalize the standards development program established under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)), as amended by the Computer Security Act (Public Law 100-235); and

"(C) separate such program from peripheral technical assistance functions and direct such program to the most productive areas; and

"(4) develop and annually revise, in consultation with the Administrator of General Services, the Secretary of Commerce, the Director of the Office of Science and Technology Policy, and the Archivist of the United States, a five-year plan for information resources management, which shall include—

"(A) plans for managing information throughout its life cycle from collection through dissemination and disposition,

"(B) plans for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter, and

"(C) plans for enhancing public access, including access by electronic media, to information relating to information collection requests required by this chapter to be made available to the public.".

SEC. 110. RESPONSIVENESS TO CONGRESS.

Section 3514 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (8) to read as follows:

"(8) an evaluation of the feasibility and means of enhancing public access (including access by electronic media) to Government information, including information relating to information collection activities;";

(B) in paragraph (9)(C) by striking out "and" at the end thereof;

(C) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(D) by adding at the end thereof the following new paragraphs:

"(11) a description and summary of actions taken with respect to dissemination functions described under section 3504(h) of this title;

"(12) a summary of the results of selective reviews performed in accordance with section 3513 of this title by Federal agencies of the adequacy and efficiency of their information resources management activities;

"(13) the report under the Privacy Act of 1974, when required by subsection (s) of section 552a of title 5, United States Code; and

"(14) the report on matching programs, when required by subsection (u)(6) of section 552a of title 5, United States Code.";

(2) by adding at the end thereof the following new subsection:

"(c) Within one year after the date of the enactment of the Federal Information Resources Management Act the Director shall submit a report to the Senate Committee on Governmental Affairs and the House Committee on Government Operations—

"(1) on the Federal demonstration project in federally sponsored research that—

"(A) comprehensively lists all information collection requests subject to the requirements of the provisions of this chapter together with estimates of the associated burdens;

"(B) specifically identifies information requests subject to the provisions of this chapter which have not been justified by agencies and approved by the Director; and

"(C) provides recommendations which would eliminate any unnecessary burden associated with such requests while providing adequate accountability of expenditures;

"(2) on the progress of the initiatives identified under section 3505(1); and

"(3) on the results of the elimination of any unnecessary duplication associated with the review under section 3505(2).''; and

(3) by adding at the end thereof the following new subsection:

"(d) Within one year after the date of the enactment of the Federal Information Resources Management Act, the Director shall report to the Congress, after consultation with other agencies and the Advisory Committee on Information Policy, on the feasibility and means of establishing a comprehensive inventory and authoritative register of all information products and services disseminated by the Federal Government.".

SEC. 111. CONSULTATION AND ADVISORY COMMITTEES.

Section 3517 of title 44, United States Code, is amended to read as follows:

"§ 3517. Consultation and advisory committees

"(a) In reviewing information collection requests, the Director shall provide interested agencies and persons timely opportunity to comment.

"(b) In developing information and statistical policies, plans, rules, regulations, procedures, and guidelines, the Director shall regularly consult with information providers, users, and other interested parties, including the advisory committees established under the authority granted in this section.

"(c)(1) The Director shall establish an Advisory Committee on Information Policy to advise in carrying out the functions assigned under section 3504(b) and an Advisory Committee on Statistical Policy to advise in carrying out the functions assigned under section 3504(d)(1).

"(2) Each such committee shall consist of no less than twenty members.

"(d) Any advisory committee established by the Director shall—

"(1) be broadly representative of the groups with an interest in the relevant policy area;

"(2) include representatives of educational institutions, businesses, State and local governments, labor, public interest groups, and any other appropriate members;

"(3) provide for a two year term for members appointed by the Director, except that one-half of the initial appointments be made for a term of three years;

"(4) provide that an individual may be reappointed to the committee for any number of terms;

"(5) provide that appointments shall be made without regard to political affiliation; and

"(6) comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(e) No later than one hundred and eighty days after the date of the enactment of the Federal Information Resources Management Act, the Director shall complete the initial appointment of members to the Advisory Committee on Information Policy and the Advisory Committee on Statistical Policy.".

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 3520 of title 44, United States Code, is amended in subsection (a) by striking out "$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "$5,500,000 for fiscal year 1992, $6,500,000 for fiscal year 1993, and $7,000,000 for each of the fiscal years 1994 and 1995.".

TITLE II—REVIEW OF FEDERAL DEPARTMENT AND AGENCY REGULATIONS

SEC. 201. REVIEW OF AGENCY REGULATIONS BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

To the extent the Office of Information and Regulatory Affairs is authorized by Executive order or other administrative directive to review Federal agency regulatory activities (in addition to any functions authorized under chapter 35 of title 44, United States Code, as amended by title I of this Act) its actions shall be deemed to be carried out under the immediate supervision of the Administrator, and shall be subject to the provisions of this title.

SEC. 202. BASIC PRINCIPLES CONCERNING AGENCY RULEMAKING AND REGULATORY REVIEW BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) STATUTORY REQUIREMENTS.—Rules shall meet statutory requirements. Any review by the Administrator of any agency draft, proposed or final rule may not result in a rule not authorized by law or that does not carry out statutory requirements.

(b) RULEMAKING DECISIONS BY AGENCY HEADS.—Rulemaking decisions shall be made by agency heads or other officials authorized by law. No regulatory review decision made by the Administrator may displace the rulemaking responsibility of such authorized rulemaking official.

(c) REQUIREMENTS BY THE ADMINISTRATOR.—Any requirements by the Administrator relating to an agency's regulatory activities shall apply only to the extent permitted by law.

(d) STATUTORY ADMINISTRATIVE REQUIREMENTS.—(1) Rules shall be in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, requiring—

(A) rules to be rationally based on information in the agency's rulemaking record; and

(B) agencies to provide both an explanation of significant substantive differences between a notice of proposed rulemaking and a final rule as well as new facts or data upon which the agency relied.

(2) Regulatory review by the Administrator may not result in rulemaking decisions that are not supported by the agency rulemaking record.

SEC. 203. PUBLIC PARTICIPATION IN RULEMAKING.

(a) WRITTEN MATERIALS.—The Administrator shall notify the public that written materials (including materials transmitted by electronic media) submitted to the Administrator relevant to any regulatory activity undergoing review shall be submitted to the agency for inclusion in the agency's rulemaking record. Agencies receiving such materials from the public shall include such materials in the record.

(b) SUBSTANTIVE COMMUNICATIONS.—Within the Office of Information and Regulatory Affairs, only the Administrator or Deputy Administrator (or someone specifically designated by them, for good reason, on a case-by-case basis) may engage in substantive communications with individuals not employed by the Federal Government concerning the substance of agency regulatory activities under review.

SEC. 204. PUBLIC ACCESS TO REGULATORY REVIEW INFORMATION.

(a) PUBLIC ACCESS.—Unless otherwise provided by law, the Administrator shall make available, within 15 days after a request is made in any form to the Administrator after publication of the applicable advance notice of proposed rulemaking, notice of proposed rulemaking, or final rule in the Federal Register a copy of—

(1) any draft of such proposed or final rule or other draft proposal submitted by the agency to the Administrator for review;

(2) any regulatory impact or other analysis relating to such rule or proposal that was submitted by the agency to the Administrator;

(3) all written materials (including materials transmitted by electronic media) that are related to such rule or proposal submitted by the Administrator, the Deputy Administrator, or any designee of the head of an agency, or the General Counsel for such agency;

(4) all written materials (including materials transmitted by electronic media) that are related to the substance of any regulatory impact or other analysis relating to such rule or proposal submitted by the Administrator, the Deputy Administrator, or designee of the head of any agency, or the General Counsel for such agency;

(5) all written materials (including materials transmitted by electronic media) related to such rule or proposal that were submitted to the Administrator, the Deputy Administrator, any designee of the head of an agency, or the General Counsel for such agency; and

(6) all written materials received by the Administrator (including materials transmitted by electronic media) from persons not employed by the Federal Government concerning such rule or proposal.

(b) AGENCY DRAFT SUBMISSIONS.—Unless otherwise provided by law, the Administrator shall make available, within 5 days after a request is made in any form to the Administrator after publication of any agency or Governmentwide regulatory planning document that has been reviewed by the Administrator, a copy of any agency draft submission of that document made to the Administrator.

(c) AVAILABILITY OF MATERIALS.—Material made available by the Administrator under subsection (a) shall be available for review in an Office of Information and Regulatory Affairs public reading room during normal business hours. The Administrator shall make a photocopying machine available to the public to permit copying of such material at a reasonable cost. To the greatest extent practicable, requests in person for such material shall be met on the same day as the request.

(d) CHANGES IN FINAL RULE.—For each major final rule, agencies shall provide substantive written reasons for changes made to such rule between the time of its submission to the Administrator for review and its publication in the Federal Register.

SEC. 205. TIME LIMITS FOR REVIEW.

(a) TIME LIMITS.—Within 60 days after the receipt of a draft rule submitted to the Administrator for review, the Administrator shall conclude review of the draft rule, suspend its review, or return the draft rule to the agency for reconsideration. The Administrator may, for good reason, extend the time for review for an additional 30 days. Such time periods shall begin on the first business day after receipt of the submission by the Administrator.

(b) REVIEW BY PRESIDENT OR THE OFFICE OF MANAGEMENT AND BUDGET.—If the President, the Director of the Office of Management and Budget, or such other person as the President may designate, reviews for resolution an issue arising out of review of agency draft rules by the Administrator the applicable time limits described under subsection (a) may be extended, although any such issue shall be resolved as promptly as practicable.

(c) EXTENSIONS.—The Administrator shall notify the rulemaking agency of an extension beyond 60 days and place such notification in its public reading room. The rulemaking agency shall publish promptly a notice of any such extension in the Federal Register.

(d) SUSPENSION OF REVIEW.—The Administrator shall provide to the rulemaking agency specific written reasons for suspending review of a draft rule or for returning a draft rule to the agency for reconsideration, and shall at the same time place a copy of the document containing such reasons in its public reading room. The rulemaking agency shall publish such reasons in the Federal Register.

(e) TIMELY SUBMISSION FOR REVIEW.—Each agency shall make a good faith effort to conduct its rulemaking, and transmit a pro-

posed draft and final rules and regulatory impact and other analyses required by executive order or other administrative directive, regardless of their stage of development, in sufficient time to allow a reasonable opportunity for review by the Administrator before any applicable time limitation.

(f) TIME LIMITATIONS.—In order that the review of any agency regulatory activity by the Administrator not conflict with any time limitation imposed by statute or by judicial order, a rulemaking agency shall—

(1) promptly notify the Administrator of any such time limitation that might affect such review and briefly explain the conflict;

(2) publish in the Federal Register a statement of the reasons it is impracticable for the agency to follow the procedure of review by the Administrator; and

(3) in consultation with the Administrator, adhere to regulatory review requirements to the extent permitted by statutory or judicial time limitations.

SEC. 206. ENHANCED ACCESS TO WRITTEN COMMUNICATIONS FROM OUTSIDE THE FEDERAL GOVERNMENT.

The Administrator shall transmit copies of any written materials (including materials transmitted by electronic media) received from persons not employed by the Federal Government concerning the substance of a draft rule under review to the head of the agency issuing such rule for inclusion, as appropriate, in the agency's rulemaking record. The Administrator shall place all such written material in the public reading room.

SEC. 207. ORAL COMMUNICATIONS WITH PERSONS NOT EMPLOYED BY THE FEDERAL GOVERNMENT.

The Administrator shall disclose oral communications between persons not employed by the Federal Government and the Administrator, the Deputy Administrator, or a person designated under section 203(b), concerning the substance of a draft rule under review. The Administrator shall—

(1) advise the agency of such communications;

(2) invite agency heads or designees to all scheduled meetings involving such communications; and

(3) place in the public reading room a list of all meetings and telephone calls concerning the draft rule under review in which communications took place between the Administrator, the Deputy Administrator, or designee and persons not employed by the Federal Government, together with an identification of the rule which was the subject of the communication.

SEC. 208. PUBLIC ACCOUNTING OF REGULATORY REVIEW ACTIVITIES BY THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) ANNUAL ACCOUNTING.—The Administrator shall publish a full annual accounting of any review of agency regulatory activity. Such accounting shall include a list of all draft rules that are suspended, returned for reconsideration, or are found to be consistent with change.

(b) PUBLIC AVAILABILITY.—Within 10 working days after the end of each calendar month, the Administrator shall make available in a public reading room a list of all draft advance notices of proposed rulemaking, notices of proposed rulemaking, and draft final rules for which review has been completed during the preceding month. For each rule, such list shall include—

(1) the name and identifying number of the rule;

(2) the date on which it was submitted to the Administrator for review;

(3) the length of such review;

(4) the final action taken by the Administrator and the date of such action; and

(5) the dates of any extensions.

(c) PUBLICATION OF LIST.—Within 10 working days of the end of each calendar month, each agency shall publish in the Federal Register a list of all draft advance notice of proposed rulemaking, notice of proposed rulemaking, and draft final rules for which the Administrator has completed review during the preceding month.

SEC. 209. JUDICIAL REVIEW.

No regulatory review authority exercised by the Administrator shall be construed as displacing an agency's statutory rulemaking authority. Such review is intended only to improve the internal management of the Federal Government. Such review shall not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person.

TITLE III—MANAGEMENT OF PUBLIC RECORDS

SEC. 301. BINDING REGULATIONS CONCERNING PUBLIC RECORDS.

(a) DISPOSAL OF RECORDS.—Section 3302 of title 44, United States Code, is amended—

(1) in the first sentence by inserting "and binding on all Federal agencies" after "chapter"; and

(2) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively, and inserting before such newly redesignated paragraph (3) the following new paragraphs:

"(1) standards for interpreting the definition of records under section 3301,

"(2) standards for establishment and maintenance of adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency for incorporation in recordkeeping requirements to be issued by heads of agencies,".

(b) ESTABLISHMENT OF PROGRAM OF MANAGEMENT.—Section 3102(3) of title 44, United States Code, is amended by striking out "and 3101–3107, of this title and the regulations" and inserting in lieu thereof "3101–3107, and 3301–3314, of this title and the regulations and standards".

(c) EXAMINATION OF RECORDS FOR HISTORICAL PRESERVATION.—(1) Section 2107 of title 44, United States Code, is amended—

(A) in the first sentence by inserting "(a)" before "When it appears"; and

(B) by adding at the end thereof the following new subsection:

"(b) Subject to the provisions of section 2906 of this title and notwithstanding any other provision of law, the Archivist or the designee of the Archivist may inspect or examine any record to determine if—

"(1) an agency is in compliance with the binding guidelines issued by the Archivist; and

"(2) such record has sufficient value to warrant the continued preservation by the United States Government.".

(2) Section 2906 of title 44, United States Code, is amended—

(A) in subsection (a)(1) by striking out the first sentence and inserting in lieu thereof: "In carrying out their respective duties and responsibilities under this chapter and under chapters 21, 31, 33, and 35 of this title, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency for the purposes of rendering recommendations for the improvement of records management practices and programs. The Archivist (or a designee) may inspect the records of any Federal agency for the purpose of determining whether records in the custody of the agency have sufficient historical, administrative, legal, research or other value to warrant their further preservation by the Government.";

(B) in subsection (a) by amending paragraph (2) to read as follows:

"(2) The Administrator and the Archivist shall promulgate regulations (subject to the approval of the President) to—

"(A) provide for the inspection of records, the use of which is restricted by law; and

"(B) provide that regulations authorizing and restricting the examination and use of such records applicable to the head of the custodial agency or to employees of that agency are applied in the same manner to the Archivist and the Administrator and to the employees of the National Archives and Records Administration and General Services Administration, respectively."; and

(C) in subsection (b) by inserting "and in sections 2107 and 3303a of this title" after "subsection (a) of this section".

(3) The first sentence of section 3303a(a) is amended to read as follows: "Subject to the limitations of section 2906 and notwithstanding any other provision of law, the Archivist shall examine the lists and schedules submitted under section 3303, and the Archivist or the designee of the Archivist may examine any record on such lists or schedule.".

SEC. 302. ROUTINE USES OF RECORDS SYSTEMS.

(a) REVIEW AND REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) conduct a review of routine uses, with respect to uniformity and consistency with law and published guidelines, for all systems of records established by Federal agencies in accordance with section 552a of title 5, United States Code; and

(2) submit a report to the Congress describing the findings of that review.

(b) MISCELLANEOUS AMENDMENTS.—Subsection (r) of section 552a of title 5, United States Code, is amended to read as follows:

"(r) REPORTS ON CHANGE IN RECORDS SYSTEM, MATCHING PROGRAM, OR ROUTINE USE.—Each agency that proposes to establish or make a significant change in a system of records, a matching program, or a routine use shall provide adequate advance notice of any such proposal (in duplicate) to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.".●

NEWARK'S 325TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I rise today to commemorate Newark, NJ, on it's 325th birthday. The city is planning celebrations throughout this year and May 17–19 will be Founders Weekend. This weekend, the citizens of Newark will be celebrating the occasion with exhibitions, parades, festivals, and neighborhood cleanups.

The people of Newark can take pride in their city's traditions and history. When the Puritans first settled there in the 17th century, little did they know they were breaking ground for one of America's largest cities. Today, Newark is a major transportation center with an international airport and

highways leading to New York and Philadelphia. It is also an industrial and commercial city as many companies see the assets of working in Newark.

Mr. President, I do not know how many members have visited Newark, but if they did, they would find a picturesque city that combines historic buildings with modern architecture. Many of the older buildings have been renovated and esthetic projects have made the city a beautiful place. Cultural arts flourish in Newark with Symphony Hall and the Newark Museum. Additionally, Rutgers University, the New Jersey Institute of Technology, Essex County College, the University of Medicine and Dentistry, and Seton Law School are all respected institutions that have chosen Newark for their location.

I commend Mayor Sharpe James and the citizens of Newark for enriching the city with their pride. I extend my very best wishes and heartiest congratulations for a wonderful and festive Founders Weekend.●

By Mrs. KASSEBAUM (for herself, Mr. DOLE, and Mr. CONRAD):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to lineal descendents; to the Committee on Finance.

VALUATION OF FAMILY FARM ESTATES

Mrs. KASSEBAUM. Mr. President, several years ago Congress decided family farms should remain in the family. Congress did not want those who inherit family farms to lose their land because of inflated land prices and speculation.

Accordingly, Congress passed a law providing that family farms could be valued at their income-producing value as opposed to their open market value. At the time, speculation had driven the farm prices well beyond the farm's income-producing capability. To prevent abuse, the special-use valuation statute provided that if the farm was converted to a nonfarm use, or sold outside the family within 10 years from the date of the valuation, the heirs would be retroactively liable for estate taxes on the farm's market value at the time of the parent's or grandparent's death.

This antiabuse provision worked well until the Internal Revenue Service began ruling that the special-use valuation was not satisfied if family members cash rented the land to other family members.

Many families engaged in intrafamily cash rent arrangements believing they were fully complying with the special-use valuation requirement. You can imagine a family's frustration and dismay when the Internal Revenue Service began assessing them for retroactive estate taxes which, when coupled with penalties and interest, often exceeded the value of the farm.

The bill we are introducing today eliminates these retroactive assessments. It provides that intrafamily cash rent leases between direct family members satisfy the special-use requirement.

Mr. President, this bill is urgently needed. Several families in my State risk losing their farms if we do not enact this bill. Congress has made clear it does not want this to happen. These farm families face financial ruin because of a tax technicality no one in Congress intended. It would be a cruel hoax if the statute designed to protect family farms is interpreted in such a way that it results in the Internal Revenue Service confiscating farms from innocent families for retroactive taxes. It is my hope this bill can be enacted swiftly so that these farm families can but this matter behind them and get on with their lives.

Mr. DOLE. Mr. President, family farms are the heart of Kansas, and the heart of America. Over the past few years, however, it has become apparent that tax laws and red tape are threatening the very existence of these farms, and the livelihood of the men and women who run them.

Today, I am pleased to join my colleagues in introducing legislation aimed at preserving America's family farms.

Under present law, when the owner of a farm dies, their family heirs receive favorable tax treatment, as the regulations allow them to value the farm estate on an actual use value, instead of a fair market value. If the farm is sold or not used as a farm within 10 years, then the heirs are subject to an increased estate tax.

The reality of the matter, however, is that this law has little benefit to today's family farms.

Many family farms operate under an arrangement where an heir will lease their land to their children. Unfortunately, current tax regulations decree that a net cash lease is not considered farm use unless the person leasing the land is the surviving spouse. In the blurry eyes of the IRS, when the heir happens to be a son or daughter of the farmowner, then the property ceases to be a farm, and the IRS imposes the higher estate tax.

This estate tax is an enormous penalty to pay for operating a family farm, and the sad fact is that it frequently forces the sale of the farm to pay the taxes.

The legislation we introduce today remedies the situation by placing lineal descendants in the same category as the surviving spouse.

The unpredictability of Mother Nature makes family farming a very tough business. With passage of this legislation, Uncle Sam can ensure the business won't become any tougher because of unfair tax laws.

By Mr. BIDEN (for himself, Mrs. KASSEBAUM, and Mr. MITCHELL):

S. 1046. A bill to provide for the establishment of an international arms suppliers regime to limit the transfer of armaments to nations in the Middle East; to the Committee on Foreign Relations.

ARMS SUPPLIERS REGIME ACT

Mr. BIDEN. Mr. President, the topic I plan to discuss today has been of great interest to the Presiding Officer and I hope that he finds what I am about to propose of some merit because I know he knows a great deal about this topic; that is, arms control in the Middle East.

Mr. President, I rise today to introduce the Arms Supplier Regime Act of 1991. Shortly after I speak, my distinguished colleague from Kansas, who is the primary cosponsor on the Republican side, will speak to this act as well.

Mr. President, this legislation is designed to focus—and I emphasize "focus" the Bush administration on an urgent problem for which no policy has yet been articulated: Controlling conventional and unconventional arms proliferation to the Middle East. That is what we are dealing with today, the Senator from Kansas, myself, and others. I know it has been of great interest to the Presiding Officer.

The need for this legislation is plainly and, I believe, sadly evident. Over the past 9 months, events of enormous consequence have occurred in the Middle East, events that give rise to hope for a new order in the world and in this critically importation region. Yet today, as we look to the Middle East in the aftermath of the liberation of Kuwait, we see a headlong rush to the status quo ante.

In Iraq, the government of Saddam Hussein remains in power; in Syria, the government of Hafez Assad, a man who has never been thought of as a very positive force in the region, remains militarily strong and as intransigent toward Israel as it ever was before the war in the Persian Gulf; Egypt, dissatisfied with progress toward a new security order, is removing its forces from the gulf region; and the governments of Saudi Arabia, Kuwait, and other sheikdoms appear to be reverting to the domestic and foreign policies of the past.

Meanwhile, the Bush administration also appears to be reverting to policies of the past, policies focused almost exclusively on arming our friends and allies in the region, policies, that is, of arms competition rather than of arms control.

We do see in this morning's paper that the administration may soon announce a Middle East arms plan that would depend for its success on the cooperation of the nations in the Middle

East, who would be asked to foreswear the acquisition of chemical weapons, nuclear weapons, and modern ballistic missiles and, I suspect at some point sophisticated conventional arms—although I emphasize that has not been even suggested as a possibility.

These are fine objectives, that is, getting the countries in the region to foreswear the acquisition of chemical and nuclear weapons, and modern ballistic missiles. But reposing our hopes here, Mr. President, would, I think, be naive in the extreme. It is a path of fantasy and I think of one of folly, although I would be delighted to see it happen.

A plan that in fact rests upon the nations in the region getting together and saying we will foreswear nuclear weapons, we will foreswear chemical weapons, we will foreswear the acquisition of ballistic missiles, would be premised on a wholesale reversal of all the basic national characteristics and international antagonisms that now prevade the Middle East and have pervaded it for some time. If we cannot get these countries to convene a conference even to discuss the Arab-Israeli dispute, it is reasonable to expect that they would be negotiating in any reasonable period of time a treaty that would embody a fundamental change of heart by all of the nations now in conflict?

Let us return to reality, Mr. President. Perhaps such a treaty is conceivable, but in the months and years immediately ahead, any realistic hope for arms control in the Middle East must, in my view, be based on a plan to deny such weapons to the nations in the region.

Over the past decade and a half the nations of the Middle East have imported conventional arms valued at more than $200 billion. And, I might add, the acquisition has been primarily from the five permanent members of the U.N. Security Council.

Moreover, nations of the region now possess, or are seeking to possess, unconventional weapons of extreme lethality. They want to acquire modern ballistic missiles. During the war you saw on TV a 1959 version of a ballistic missile, the Scuds. Now they want to acquire new ones with the latest technology. They want to acquire chemical weapons, not what we heard Saddam Hussein had, but up-to-date state-of-the-art chemical weapons capabilities. They want to acquire biological weapons. And they would like to acquire nuclear weapons.

Just imagine, Mr. President, what that gulf war would have been like had Saddam Hussein had nuclear weapons or truly modern ballistic missiles or chemical weapons capable of being placed on the nose of one of those ballistic missiles.

As the gulf war demonstrated so vividly, this vast accumulation of arms has brought neither security nor stability in the past, and yet these more sophisticated unconventional arms are now being sought. This uncontrolled spending constitutes a tragic and debilitating diversion of the region's resources, making economic progress and prosperity ever more difficult.

But this situation is not new, Mr. President. The question before us is whether we can develop a new response. We seem not to learn. We seem not to learn from the past. Can we develop a new response to what we know will be the consequence for the world and for the region if these unconventional and new conventional weapons are acquired?

The legislation I am introducing today tries to answer that question in an affirmative way by requiring the administration to take two critical steps.

The first step that this legislation will require is for the administration to develop a plan for Mideast arms control focused on the supplier nations, the places from which the sophisticated weapons could come in the first instance.

The second thing this legislation does is to require the administration to make a good-faith effort to convene the five permanent members of the United Nations Security Council in order to establish a regime to halt the proliferation of unconventional weapons and control the flow of advanced conventional weapons to the Middle East.

Is such an arms control regime possible? No one who has observed the slow, incremental nature of East-West arms talks can be unaware of the inherent difficulties in such an effort. But we do have grounds for cautious optimism. For the fact is, supply-side arms control has a record of substantial achievement.

The most important supply side-agreement is the 1968 Nuclear Nonproliferation Treaty, which by all accounts has had a real impact on the spread of nuclear weapons. Some would suggest that nuclear weapons have spread anyway. That is true. But can you imagine what would have happened had there not been in place since 1968 a Nuclear Nonproliferation Treaty?

We also have a comparable success in COCOM, through which the Western alliance has limited transfers of advanced technologies to what was then the Soviet bloc.

Some will worry that an arms supplier regime could limit transfers to our friends and allies in the Middle East. And, to be sure, it would—but for a sound purpose. For the objective is to enhance the security of our friends and allies by ensuring the maintenance of a stable balance at the lowest possible level of expenditure and armament.

The Israeli Government apparently recognizes this opportunity. Defense Minister Arens has explicitly urged that the United States spearhead an effort to shut off the arms flow to the Middle East, including Israel itself. If the Israelis, whose very survival is at issue, can see the benefit in this attempt, why can we not see the benefit in attempting such a regime?

We can only test the feasibility of such a regime by making a strong, well-coordinated effort to bring the concept to fruition.

What we know already, however, is that all of the key supplier nations in Europe—the Soviet Union, Germany, France, and Britain—which account for some 80 percent of the arms delivered to the Middle East, have stated their readiness to participate in a joint effort to scale back the level of arms transfers. We should challenge them by formally proposing to turn rhetoric into reality.

Clearly, one country will be problematic. This "wild card" is China. As an irresponsible purveyor of weapons, China is rapidly becoming a rogue elephant in the community of nations. The leadership in Beijing has apparently decided to pursue arms sales, including technologies needed for weapons of mass destruction, with a total focus on earning hard currency and with no regard for the international consequences.

Unfortunately, when it comes to China, in my view, the Bush administration has shown a sizable blind spot. But, as I have emphasized repeatedly, we have all the leverage we need—if we choose to use it—to ensure that the Chinese do not undermine any arms suppliers cartel that we can create.

That leverage consists of three letters: M-F-N. China receives a great deal more in hard currency from trade with the United States than it does from arms sales to the Third World. The Chinese trade surplus with the United States this year is expected to reach $15 billion—I repeat, $15 billion. Thus, if the Chinese Government is interested in hard currency, we are in a position to present the Chinese with a simple calculation of self-interest.

Mr. President, in the immediate aftermath of the gulf war, the administration made several encouraging statements about Mideast arms control. President Bush expressed hope that out of the war would come "less proliferation of all different types of weapons, not just unconventional weapons." Appearing before the Foreign Relations Committee, Secretary Baker laid out an ambitious Middle East arms control agenda, including limits and controls on advanced conventional arms.

But since then, Mr. President, as you well know, the administration has retreated from these bold declarations. Top officials now say we should not be overambitious and that defense cooperation must be given precedence over arms control. Secretary of Defense Cheney expressly downplays the

possibility of Middle East arms control, emphasizing instead the need for arms sales to strengthen the Gulf States.

Mr. President, I fully support the goal of enhancing security of friendly nations in the Middle East, particularly Israel. But the administration seems unable to grasp that an arms suppliers cartel can do just that and to it better.

It would appear that administration policy has become mired in a classic battle between the Defense Department and the State Department. As a result, we have policy gridlock. In this case, policy gridlock means more arms sales and business as usual—and talk of a treaty regime based on a change in human nature itself.

Mr. President, some in Congress now propose a unilateral moratorium on American arms sales to the Middle East. Although I am sympathetic to the goals of such an approach, I find it unrealistic given the administration's current reluctance to promote supply-side Middle East arms control of any kind. Equally important, I fear that other key nations would not reciprocate if we were to stop unilaterally.

Instead, I believe this legislation strikes the right balance between a unilateral cutoff and no action whatsoever.

Mr. President, some will attack this bill as micromanagement—but only those who say the same whenever the Congress attempts to do anything in the area of foreign policy. We hear about micromanagement, no matter what we do. When we wanted to vote on whether or not to go to war, we were told it was micromanagement. So any time the Congress attempts to do anything relating to foreign policy, it is labeled micromanagement. This bill is not micromanagement; I repeat, it is not micromanagement of American foreign policy.

The Arms Supplier Regime Act of 1991—cosponsored by Senators KASSEBAUM, MITCHELL, and others who will soon join—is, in fact, a classic legislative mandate: Setting broad goals and calling for the administration to advise the appropriate means of achieving those goals.

These broad goals are, very briefly, Mr. President, first, to halt the proliferation of unconventional weapons to the Middle East; and, second, to control the proliferation of advanced conventional arms to the Middle East.

The administration can decide whether additional nations—beyond the United States, the Soviet Union, France, the United Kingdom, and China should attend a suppliers' conference.

The administration can decide whether these broad goals can be best implemented through formal agreements or informal arrangements, or even handshakes.

The administration can decide whether to base the new regime on existing export controls or whether to create a whole new system.

The administration can decide how to institute better information-sharing practices among the supplier nations. The administration can decide which advanced conventional arms are to be banned and which are to be controlled and which need oversight.

That is not micromanagement. We are setting two broad goals: Cut off the unconventional weapons into the area and sharply limit the spread of sophisticated conventional weapons into the area.

The legislation makes clear that the goal of such a regime would be to enhance the security of friendly countries in the region. The purpose of the regime is not to withhold weapons that our friends need. It is, rather, to reduce their need for such weapons.

We do have binding language in this bill, Mr. President. If the administration refuses to devise a plan for Middle East arms control, if it refuses to make a good faith effort to convene a supplier nations conference, then the U.S. arms sales program to the Middle East will be terminated. If the administration takes these two steps, it will satisfy the requirement in the bill. If it refuses, we will know that it is not serious about Mideast arms control. In that event it would be irresponsible for Congress to allow a return to business as usual.

The time for action is now. The Bush administration displayed admirable leadership in building a coalition for war in the Middle East. Now it is time for the administration to display equal skill in building a coalition to secure long-term peace in the Middle East. By building that coalition now, Mr. President, in the form of an effective arms suppliers' cartel, President Bush can preempt the need to build another war coalition later.

Throughout history, producers of goods of all kinds have created cartels to limit supplies so as to increase profit. No example is more obvious than OPEC, led by the principal exporters of the Middle East. What I am proposing today, Mr. President, is the creation of a cartel with a very different purpose: A benign cartel, through which the governments of the arms-producing nations act together to limit supplies, not for the purpose of profit but, indeed, for the precise purpose of foregoing profit in order to build peace and stability in that region, a peace and stability that for decades has been missing.

We cannot alter the underlying reasons for the conflict in the Middle East, Mr. President. The current rush to restore the status quo in the region is ample demonstration of that. But what we can do is limit the means of conflict.

So, Mr. President, I urge the administration and my colleagues to join in acting toward that goal: Limiting the means of conflict.

Mrs. KASSEBAUM. Mr. President, I am pleased to be an original cosponsor with my colleague from Delaware, Senator BIDEN, who has long been an arms control leader in the Foreign Relations Committee.

Is this fanciful thinking? I do not believe so, Mr. President. As Senator BIDEN asked, can we develop a new response? Yes; I believe that we can. And we certainly must give it a try.

Since the end of the gulf war, many have believed that the United States must play a leadership role in building the peace, just as it did in fighting the war. In this regard, I commend President Bush and Secretary of State Baker for their tireless efforts to meet this formidable challenge. The President's commitment, announced yesterday, to destroy all of our chemical weapon capability is an important part of this process.

As we all know, the issues that divide the Middle East and make it such a volatile region have a long history and are deeply felt among the parties. The rivalries are complex and the solutions are elusive.

But, history is laden with opportunities, some missed and some utilized. I believe that the coalition victory in the gulf war has presented an opportunity for progress on these very difficult problems, and we must seize the moment in order to build a framework for peace.

One of the important lessons from the war is that we must make a concerted effort to stop the spread of weapons of mass destruction and to control the spread of conventional weapons. The euphoria of victory must not cloud the very real threat that these weapons pose to the region and all who have a stake in its stability.

Our victory should and must give us pause so that we can step back and put in place a meaningful approach to weapons control in the region.

Many of the Middle East countries possess or are seeking to possess weapons of mass destruction. The Middle East is the world's principal market for arms and military equipment. In 1988, the region accounted for 31 percent of the worldwide total in arms sales, or about $15 billion. That year, Iraq alone accounted for some $4.6 billion of those purchases. Eight of the 18 countries that spent more than 10 percent of their GNP on defense in 1988 were located in the Middle East. And, most of the conventional arms were provided by the five permanent members of the U.N. Security Council—the United States, the Soviet Union, China, France, and Britain.

Today, we are urging the President to add to his post-war agenda the establishment of an arms supplier re-

gime. I know it is something which the President cares about a great deal.

We are asking the President to build a coalition, similar to that which he so successfully put together in the war effort, that would be dedicated to stopping the flow to the region of unconventional arms, including chemical, biological, and nuclear weapons. The arms supplier regime would also be dedicated to limiting and controlling the flow of advanced conventional weapons to all nations of the Middle East and to encourage regional arms control. Under the bill, no arms sale to the Middle East could go forward until the President certifies that the Secretary of State has undertaken a good faith effort to establish such a regime.

In order to be successful, our approach to controlling arms in the region must be multilateral. While this may have seemed almost impossible in the past, the President's efforts to invigorate the United Nations during the gulf crisis now make such a regime feasible.

A victory in war is only complete when we act on the lessons we have learned. I believe this bill can be a step in that direction.

By Mr. CRANSTON (by request):

S. 1047. A bill to amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification, or registrtion of social workers appointed in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

CREDENTIALS FOR DEPARTMENT OF VETERANS AFFAIRS SOCIAL WORKERS

• Mr. CRANSTON. Mr. President, as chairman of the Vetarans' Affairs Committee, I have today introduced, by request, S. 1047, a bill to amend title 38, United States Code, to require licensure, certification, or registration of social workers appointed in the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation by letter dated May 3, 1991, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration—proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the May 3, 1991, transmittal letter and enclosed analysis of the proposed bill.

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

S. 1047

Be it enacted by the Senate and the House of Representatives of the United States of American in Congress assembled, That subsection (a) of section 4105 of title 38, United States Code, is amended by adding a new paragraph (10) as follows:

"(10) SOCIAL WORKER.—Hold a master's degree in social work from a college or university approved by the Secretary and, where the law of the State of employment so requires, be licensed, certified or registered as a social worker, except that to allow completion of requirements for such licensure, certification or registration, the Secretary may waive the requirement for a period not to exceed three years."

SEC. 2. This amendment shall not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of enactment of this amendment.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 3, 1991.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to require, after the effective date of this amendment, licensure, certification or registration of social workers appointed in the Department of Veterans Affairs," with the request that it be referred to the appropriate committee for favorable consideration. This draft bill would establish in statute the qualification of licensure, registration or certification in order to be appointed to the position of social worker in the Department of Veterans Affairs (VA).

The draft bill reflects the improving formal standards for admission to the practice of social work in the United States. Currently, 48 States, as well as the District of Columbia, Puerto Rico and the Virgin Islands regulate the practice of social work through licensure, certification or registration. The remaining States have some form of licensure requirement or regulation under consideration. The U.S. Public Health Service, as part of its licensure and credentialing standards published in January 1986, established licensure as a basic requirement for social workers employed by that agency.

Further, the Joint Commission on Accreditation of Hospitals (JCAH), in its hospital accreditation manual designates as a "key factor" in the accreditation decision process, current licensure, registration or certification of social workers as legally required. The JCAH accreditation manual also considers professional licensure in determining the appropriateness of granting clinical privileges, a function of professional social workers in the delivery of care to veterans in all VA medical centers.

Moreover, third party payers for health care (Medicare, Medicaid, private insurance etc.) require that the care for which payment is to be made be provided by individuals with appropriate credentials. CHAMPUS and the Federal Employees Health Benefit Program have used licensure, except in areas which do not regulate social work, as the basis for identifying minimal clinical practice standards for social workers participating in these programs.

Thus, some form of social work licensure is fast becoming the universal standard for social work practice in health and mental health activities through the nation. The VA mission of providing quality medical care to veterans dictates that qualifications for social workers in the Department of Veterans Affairs be no less stringent that those prevailing in the health care community generally.

Requiring newly hired social workers in Department of Veterans Affairs facilities to be licensed would help assure the continued quality of care provided by the VA healthcare system by requiring that social workers employed to care for veterans meet ethical and qualification standards at least as high as those for social workers working with the general population.

The draft bill would apply, prospectively, to social worker applicants hired after the effective date of the amendment, and would not affect individual social workers presently employed at the VA. It would not require licensure, certification or registration for appointment to positions in VA facilities in States that do not regulate social workers. The draft bill would provide for a three-year period of waiver for completion of the licensure, registration or certification requirement. The waiver provision is included to allow for completion of licensure, registration or certification requirements after graduation, upon transfer, or after enactment of, or revision to, social worker regulations in an individual State.

There are no costs or savings during FYs 1991–1995 resulting from enacting this draft bill.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

ANALYSIS OF DRAFT BILL

The purpose of the draft bill is to establish that persons appointed as social workers in the Department of Veterans Affairs in States where the practice of social work requires such a credential, be licensed, certified or registered. The draft bill also includes the requirement of a master's degree in Social Work. The draft bill provides for a waiver period to allow new graduates or transferred employees to meet the specific State regulatory requirements.

Section 1 of the draft bill would add a new paragraph (a)(10) to section 4105 of title 38, which would make a matter of statute the educational and licensure qualifications of social worker appointees. The new paragraph would set out, consistent with the positions already covered in section 4105, the qualifications required for appointment to the position of social worker in the Veterans Health Services and Research Administration. For parallelism with the current qualifications in section 4105(a) for appointing psychologists, the draft bill also includes language addressing the current educational requirements for social workers.

Currently, regulation of social work practice is determined by the individual State, and States have varying requirements for a social worker to register, become certified or obtain a license to practice in the State. The draft bill would thus allow appointment as a social worker based on the form (license, certification or registration) of regulation used in the individual State.

In addition, each State has varying requirements before it will issue the licensure, certification or registration. For example, under State social worker clinical practice regulatory requirements in Virginia and Florida, a Social worker must obtain experience credit or work in a social work setting

under the supervision of a social worker for three years before obtaining the State license. The draft bill would allow a waiver period of up to three years to allow a graduate or transferred employee to meet the individual State requirement. The three year waiver authority is sufficiently long to accommodate even those States with three-year practice requirements before licensure, given that current administratively imposed licensure requirements for social workers include an internship which is countable in those States.

Section 2 of the draft bill establishes that the draft bill would have prospective application, requiring licensure, certification or registration of applicants for employment who would be hired after the effective date of the amendment. Social workers currently employed would not be required to obtain licensure, certification or registration, even after being transferred or promoted to a State that requires licensure, certification or registration.

It is anticipated the draft bill would not cover FYs 1991–1995, provide savings or incur costs. It is anticipated implementation of the draft bill would not result in any outlays.●

By Mr. DURENBERGER (for himself and Mr. WELLSTONE):

S. 1048. A bill to establish the Upper Mississippi River Environmental Education Center; to the Committee on Environment and Public Works.

UPPER MISSISSIPPI RIVER ENVIRONMENTAL EDUCATION CENTER

● Mr. DURENBERGER. Mr. President, I rise today to introduce S. 1048, a bill to authorize the construction of the Upper Mississippi River Environmental Education Center. It is the purpose of this legislation to create a facility that will educate generations of Americans on the benefits of environmental awareness as well as the natural value of the Upper Mississippi River.

Mr. President, as you know, Minnesota is famous for its rolling meadows and north woods. Winona, MN, the site of the center, is an extraordinarily unique area. Directly off I–90, Winona is distinctive in its geology, hydrology, and its beautiful scenery all of which make it a beautiful spot for this facility.

Thankfully Mr. President, our society is becoming increasingly aware of the need to be conscious of the environment in which we live and the need to protect it. For that reason, I am excited about this facility. It will house an environmental education center that will function first as a learning tool for schoolchildren as well as adults. Second, it will serve as an interpretation area depicting the environmental issues related to the Upper Mississippi River.

Mr. President, the local support for this center has been outstanding. The State of Minnesota has already allocated funds for preliminary studies that determined the feasibility of such a center. Additionally, my State has allocated $600,000 to be used as a match for moneys from the Federal Government. Furthermore, the local government of Winona has generously deeded over to the Federal Government the property on which the facility would be built. The city of Winona has also promised a local commitment, to date, of $75,000. Mr. President, if local and statewide interest is any barometer by which to measure the worthiness of a project, this one is very deserving indeed.

For the information of my colleagues, I have personally met with John Turner, the Director of the U.S. Fish and Wildlife Service, to discuss this project. Although the Fish and Wildlife Service is under obvious fiscal construction, he expressed an interest in this project as well.

Mr. President, the merits of this project are clear. The more we know about our environment and our natural resources, the more important they become to us. Construction of this center will help shape attitudes and build a commitment of respecting the environment. I am hopeful that by working with my colleagues on the Environment and Public Works Committee, we can soon see this authorization passed.●

By Mr. LEVIN (for himself, Mr. MOYNIHAN, Mr. SIMON, Mr. CRANSTON, and Mr. KERRY):

S. 1049. A bill to amend the Public Health Service Act to provide financial assistance to hospitals with a significant number of emergency department visits resulting from drug-related abuse and violence, and for other purposes; to the Committee on Labor and Human Resources.

HOSPITAL EMERGENCY DEPARTMENT UNCOMPENSATED CARE ACT

● Mr. LEVIN. Mr. President, the national drug epidemic has taken a devastating toll on many of our Nation's hospitals. The continuing increase in illicit drug use and its associated violence coupled with the millions of Americans who lack health insurance have combined to threaten the health care system in many of our cities. The growing distress hits hardest the hospital emergency departments and is, at least indirectly, adversely affecting the availability of health care for all our citizens. I've been visiting hospitals and talking to hospital administrators, physicians, and nurses in my home State of Michigan about this problem. Bronson Methodist Hospital, Butterworth Hospital, Hurley Medical Center, Henry Ford Hospital, Mount Carmel Hospital, St. John Hospital, and Detroit Receiving Hospital, to name a few, all are experiencing increased emergency room visits due to drug-related illness and violence. I have also studied this problem nationwide. It is clear that the situation demands our attention at the Federal level.

I am, therefore, introducing legislation, along with Senator MOYNIHAN, Senator SIMON, Senator CRANSTON, and Senator KERRY of Massachusetts, to provide financial assistance to hospitals that have incurred substantial uncompensated costs in providing emergency department services in areas with a significant incidence of illness and violence arising from the use of illicit drugs, and that serve a patient population that includes a significant number of patients who are treated for drug abuse or illness resulting from drug-related violent crimes. Under the proposal, the Secretary of Health and Human Services would be required to make grants to eligible hospitals to assist in paying for the uncompensated costs of providing such services.

Mr. President, hospitals nationwide report an increase in the number of drug abuse-related emergency cases. In its first comprehensive survey of hospital emergency departments across the United States, the American College of Emergency Physicians found increased emergency room visits in 41 States plus the District of Columbia. An article in the July 23, 1990 issue of Medical Economics summarized the grave problem with which we are faced: "* * * drug abuse and its associated violence * * * paired with dwindling resources is causing nightmarish logjams in emergency rooms nationwide—in small cities as well as big ones * * * and even rural areas. And the situation promises to get worse."

At Philadelphia's Albert Einstein Medical Center, three-quarters of those screened at the trauma center tested positive for illegal or prescription drugs. Dr. R. Jackson Allison Jr. of Pitt County Memorial Hospital in Greenville, NC, says, "it is not only inner cities that suffer. Drug pushers realize rural America is an easy mark. It is overwhelming the community.

Mr. President, the National Institute on Drug Abuse, a component of the Department of Health and Human Services, has released data from the Drug Abuse Warning Network [DAWN] which indicate a continuing increase in drug-related emergency room visits in 770 hospital emergency departments located primarily in 21 metropolitan areas. They include: Atlanta, Baltimore, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, Los Angeles, Miami, Minneapolis, New Orleans, New York, Newark, Philadelphia, Phoenix, St. Louis, San Diego, San Francisco, Seattle, and Washington, DC.

In a January 1990 paper presented by Dennis Andrulis, president of the National Public Health and Hospital Institute before the U.S. Conference of Mayors Health Committee, the crisis was made clear. Andrulis said, in part:

Hospital emergency rooms are frequently the first treatment center to be overwhelmed. Our national survey of emergency and trauma care found that our cities public hospitals experienced crowding for 16 days

during one month of study. Thirty-five percent were required to divert ambulances while almost half had to restrict access for some patients.

A vivid picture was painted by Dr. Alexander J. Walt, Wayne State University, Professor of Surgery and Attending Surgeon at the Detroit Receiving Hospital and University Health Center, one of the major trauma centers in the State of Michigan. Speaking on behalf of the American College of Surgeons during a 1990 hearing on "Drug Treatment and the National Drug Abuse Strategy" before the House Energy and Commerce Subcommittee on Health and the Environment, Dr. Walt said, "The extraordinary increase in drug-related violence that we have been witnessing in many cities, and the associated increase in the number of trauma patients with penetrating injuries, has been paralleled by a dramatic rise in uncompensated care." Dr. Walt went on to say, "The problem of the injured drug-related patient is magnified by the fact that they do require more care. They are more expensive. They drain the resources of the hospitals."

Mr. President, similar sentiments were echoed by Ms. Beverly Chisholm, director of Detroit's Hutzel Hospital Recovery Center in testimony she presented before the Senate Judiciary Committee hearing, Drug Strategy Review, in September of last year: "Due to the escalating drug-dependent culture, the Nation is viewing * * * increased crime, increased homicides * * *, and finally an increase in the medically debilitated." She went on to speak about the "increased incidence over the last 5 years in birth addiction, low birthweight, and an array of medical issues precipitated by the mothers' substance abuse during pregnancy, requiring * * * long term hospitalization," which all constitute an added financial burden which consumes vast amounts of hospital resources.

Dr. Norman Rosenberg, director of emergency services at Children's Hospital of Michigan recently completed a study of 460 children between 1 and 60 months of age in whom urinalysis was required for investigation of routine pediatric complaints. Dr. Rosenberg found that "the prevalence of unsuspected cocaine exposure in infants and toddlers presented to the emergency department and revealed in this study, is indeed alarming."

Health experts agree there is a correlation between substance abuse and the incidence of accident or injury. The late Dr. Brack Bivins and associates conducted a study of 501 patients who were treated in the Henry Ford, Mount Carmel, Detroit Receiving and St. John Hospital's emergency departments for injuries related to urban violence, and tracked those patients over a 5-year period to determine the incidence of medical followup through the emergency centers. The report, released in 1989, showed the incidence of substance abuse among those patients who received a single followup trauma admission was 60 percent. The incidence of substance abuse in the patients admitted between two and five times to the emergency centers was 67 percent. In patients with five or more trauma incidents, the incidence of substance abuse was 100 percent.

Mr. President, the legislation we are introducing today, which authorizes funding levels of $200 million for fiscal year 1992, $225 million for fiscal year 1993, and $250 million for fiscal year 1994, will not solve the problems our hospitals are facing, but it certainly would help. These emergency departments and trauma centers are on the frontline of the war on drugs. We cannot ignore the economic pressures they are experiencing without risking the quality of health care they provide to all the residents of the community they seek to serve.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

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

S. 1049

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 "Hospital Emergency Department Uncompensated Care Act".

SEC. 2. HOSPITAL EMERGENCY DEPARTMENT GRANTS.

The Public Health Service Act is amended by inserting after section 330 (42 U.S.C. 254c) the following new section:

"SEC. 330A. GRANTS FOR UNCOMPENSATED COSTS OF HOSPITAL EMERGENCY DEPARTMENTS OPERATING IN AREAS IMPACTED BY DRUG-RELATED ILLNESS AND VIOLENCE.

"(a) DEFINITION.—As used in this subsection, the term 'hospital' includes a State or local public hospital, a private profit hospital, a private nonprofit hospital, a general or special hospital, and any other type of hospital (excluding a hospital owned or operated by an agency of the Federal Government), and any related facilities.

"(b) ESTABLISHMENT.—The Secretary shall make grants to eligible hospitals to assist the hospitals in paying for the uncompensated costs of providing emergency department services.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (b), a hospital shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary determines to be necessary to carry out such subsection.

"(d) ELIGIBILITY.—Hospitals eligible to receive a grant under subsection (b) shall be hospitals in urban or rural areas that have emergency departments that—

"(1) have incurred substantial uncompensated costs in providing emergency department services in areas with a significant incidence of illness and violence arising from the abuse of drugs; and

"(2) serve, during the period of the grant, a patient population that includes a significant number of patients who are treated for drug abuse or wounds resulting from drug-related violent crimes.

"(e) LIMITATION ON DURATION OF SUPPORT.—The period during which a hospital receives payments under subsection (b) may not exceed 3 fiscal years, except that the Secretary may waive such requirement and authorize a hospital to receive such payments for 1 additional year.

"(f) REGULATION.—Not later than 6 months after the date of the enactment of this section, the Secretary shall promulgate regulations to carry out this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $200,000,000 for fiscal year 1992, $225,000,000 for fiscal year 1993, and $250,000,000 for fiscal year 1994.".●

By Mr. CRANSTON (by request):

S. 1050. A bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes; to the Committee on Veterans' Affairs.

ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE U.S. COURT OF VETERANS APPEALS

● Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1050, a bill to amend title 38, United States Code, to allow the U.S. Court of Veterans Appeals to accept voluntary services and gifts and bequests, and for other purposes. The chief judge of the Court of Veterans Appeals proposed this legislation in a letter dated April 18, 1991, to me in my capacity as chairman of the Veterans' Affairs Committee.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration or court-proposed draft legislation that would be referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 18, 1991, transmittal letter.

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

S. 1050

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

SECTION 1. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of

personal property for the purpose of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury.''.

COURT OF VETERANS APPEALS,
Washington, DC, April 18, 1991.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: There is currently pending in the Senate a bill (H.R. 153) to make technical amendments to the Veterans' Judicial Review Act. Based in part on the Court's proposals of June 13 and 19 and October 3, 1990, the bill was passed by the House of Representatives on February 20, 1991.

There is an additional Court-related matter which needs to be addressed by legislation, and I solicit your support for enactment of the following amendment to title 38.

ACCEPTANCE OF VOLUNTARY SERVICES

The Court requests that Section 4081 of title 38, United States Code, be amended by adding the following subsection (i):

''The Court may accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by section 3102(b) of title 5; and may accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the Court, but gifts or bequests of money shall be covered into the Treasury.''

This change adopts the language of section 604(a)(17) of title 28, United States Code, which grants similar authority, on behalf of Article III courts, to the Director of the Administrative Office of the United States Courts.

The first part of the proposed change will permit this Court, in cooperation with educational institutions, to establish unpaid student intern programs similar to those operated by other federal courts. After having been approached by law schools, we have noted that the Court is not covered by any exception to the statutory limitation on voluntary services contained in section 1342 of title 31, United States Code.

The second part of the proposed change anticipates the likelihood that gifts or bequests, particularly of books or works of art, will be made to this Court as they have to other courts.

I want to thank you for the continued support and encouragement you and your staff have given the Court during its formative period.

Sincerely,

FRANK Q. NEBEKER,
Chief Judge.•

By Mr. DOLE (for Mr. DANFORTH, for himself and Mr. BOND):

S. 1055. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve pipeline safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY IMPROVEMENT ACT OF 1991

• Mr. DANFORTH. Mr. President, since September 1988, there have been several serious pipeline accidents in Missouri and Kansas. Similarities between some of the accidents indicate that certain kinds of pipeline need more attention so potential dangers can be avoided. The Pipeline Safety Improvement Act of 1991 that Senator BOND and I are introducing today is designed to better ensure the safety of people, poverty, and the environment throughout the United States.

Pipeline accidents in Missouri and Kansas have involved three kinds of pipeline as follows:

NATURAL GAS DISTRIBUTION LINES

Three accidents involving such lines caused explosions that destroyed three homes. As a result, two people were killed in Oak Grove, MO; one person was killed and five were injured in Kansas City, MO; and four people were injured in Overland Park, KS.

CAST IRON NATURAL GAS PIPELINES

In one of a half dozen accidents involving cast iron pipelines, natural gas escaping from a damaged main in Kansas City, MO, ignited, causing one minor injury. In another, an explosion destroyed a home in Topeka, KS, killing one person and injuring two others.

OLDER OIL PIPELINES

One of the ruptures occurred in Maries County, dumping over 850,000 gallons of crude oil into the Gasconade River, a tributary of the Missouri and Mississippi Rivers. The other occurred near Ethel, MO, dumping over 100,000 gallons of oil in a farmer's field next to Turkey Creek, which leads into the Chariton River.

The accidents cited were investigated by the Office of Pipeline Safety of the U.S. Department of Transportation [DOT] and the National Transportation Safety Board [NTSB]. In addition, the Maries County pipeline spill also was studied by the National Institute of Standards and Technology [NIST]. The Pipeline Safety Improvement Act of 1991 responds directly to the findings and recommendations made by these agencies.

Specifically, the legislation would provide for the following:

First, protection of the environment as a responsibility of the Secretary of Transportation in meeting the needs of pipeline safety.

The cost of cleaning up the scenic Gasconade River after the Maries County spill has exceeded $15 million. Restoring the Chariton River and adjacent farmland likely will cost over $4.4 million. However, cleanup can never restore the environment to its original pristine state.

Currently, the Secretary has specific responsibility for protecting lives and property from pipeline hazards. Protecting the environment must be one of the Secretary's official responsibilities, too.

Second, expansion of the DOT pipeline information required under the Pipeline Safety Act of 1988 to identify three new areas:

Pipeline located in environmentally sensitive areas, such as earthquake zones; areas at high risk for ground water contamination; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or flooding action where pipelines are likely to become exposed or undermined;

Pipeline facilities located in or adjacent to incorporated or unincorporated cities, towns, or villages would also be required to be included in the DOT pipeline inventory; and

All older pipelines—those constructed before 1971.

Based on its study of the Maries County oil spill, NIST recommended special safety standards for all pipelines, especially older pipelines, in ''critical risk locations.'' To date, DOT does not know the location or extent of pipelines in areas posing the greatest risks to people or the environment. Similarly, DOT cannot account for grandfathered older pipelines that are exempt from DOT safety standards that only apply to pipelines built after 1970.

There are 354,000 miles of natural gas transmission pipelines and 155,000 miles of hazardous liquid pipelines crisscrossing the United States. DOT needs to be able to take action first where risks are greatest. It cannot do so until this critical information is available.

Third, a DOT survey of procedures and equipment used to rapidly detect and locate pipeline ruptures and shut down pipeline facilities, and issuance of related regulations for hazardous liquid pipelines located in certain environmentally sensitive and urban areas.

At about 4:30 p.m. on Christmas Eve 1988, an entire 48-foot segment of older pipeline ruptured in Maries County. The pipeline operator failed to recognize that a spill had occurred: When pipeline pressure dropped, he reacted by increasing the pumping rate. At 5:45 p.m., a farmer found the spill and notified pipeline officials, who were not able to reach the remote site and manually shut down the pipeline until 9:39 p.m. During that 5-hour period, hundreds of thousands of gallons flowed into the Gasconade River.

At this time, the technical ability of pipeline companies to detect and locate pipeline spills is improving, but still varies widely. This also is true with regard to the use of emergency flow-restricting devices to limit damage from pipeline failures. NIST recommended that such devices be installed on all pipelines in critical risk locations. DOT concluded in an April 11 report that installation of remote control and check valves on hazardous liquid pipelines would be beneficial in certain environmentally sensitive and urban areas. DOT should proceed to determine where such equipment should be required.

Fourth, standards for mandatory hydrostatic testing of all older pipelines.

Pipelines constructed after 1970 must undergo hydrostatic testing, a process which uses water under high pressure

to detect flaws. Older pipelines, including those that ruptured in Maries County and near Ethel, remain exempt from DOT testing requirements.

The need for hydrostatic testing of older pipelines is clear. NIST reported that the most failure-prone older pipelines, those manufactured using electric resistance welding [ERW], make up 40.9 percent of all interstate hazardous liquid pipelines. NIST also pointed out that 26 percent of the hazardous liquid pipeline failures between 1968 and 1988 occurred on pipelines that have never undergone hydrostatic testing. Issuance of a DOT rule to require testing of all older pipelines continues to be delayed. We cannot afford to wait any longer.

Fifth, regulations requiring operators of natural gas distribution systems to install excess flow valves in new and renewed gas service lines.

Since 1971, NTSB has recommended the installation of excess flow valves on natural gas service lines leading into homes. Such valves, when triggered by an excessive surge of gas caused by a pipeline rupture, will cut off the flow of gas so it does not collect in a basement or crawl space and explode. In its March 1990 report on five natural gas accidents in Kansas and Missouri, NTSB found that at least two, and possibly three, of the five accidents would have been prevented or minimized had there been excess flow valves on the gas service lines leading into the homes that were destroyed.

Excess flow valves should be installed, where it would be technically feasible and would enhance public safety, at the same time thousands of gas service lines are installed, renewed, or replaced each year. The cost of each installation would be about the same as purchasing and installing a home smoke detector. This is a very small price to pay given the potential return on investment in terms of lives saved.

Sixth, DOT guidelines for assessing the safety of existing cast iron pipes used for the transportation of natural gas, and for determining conditions under which safety demands the replacement of cast iron pipeline facilities.

NTSB notes that most cast iron natural gas pipeline mains were installed under city streets during the late 1880's and early 1900's. Pipeline companies are steadily replacing cast iron pipes with more modern materials, but cast iron pipe failures continue to average 90 per year, an indication that their frequency is increasing.

NTSB recommends that cast iron pipes be phased out in a planned, orderly, and economically feasible manner. Both DOT and the pipeline industry know that cast iron pipes have a tendency to become brittle and fail suddenly, releasing large amounts of gas. However, neither has determined the conditions under which such failures are most likely to occur so replacement can be planned to enhance public safety.

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

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

SUMMARY OF THE PIPELINE SAFETY IMPROVEMENT ACT OF 1991

Section 1. Cites this as "The Pipeline Safety Improvement Act of 1991."

Section 2. Requires the Secretary of Transportation to define environmentally sensitive areas to include those such as the following:

Earthquake zones and areas subject to substantial ground movements such as landslides;

Areas where ground water contamination would be likely in the event of a pipeline rupture;

Freshwater lakes, rivers, and waterways; and

River deltas and other areas subject to soil erosion, subsidence from flooding, or other water action where pipelines are likely to become exposed or undermined.

Section 3. Charges the Secretary with responsibility for protection of the environment, in addition to meeting the needs of pipeline safety, in issuing federal pipeline standards. Also, adds a requirement that individuals who operate pipelines report to the Secretary conditions that "could have a significant adverse impact on the natural environment," in addition to those that constitute hazards to life or property.

Section 4. Expands the pipeline information required by the 1988 Pipeline Safety Act also to identify the following:

All pipelines located in, or adjacent to, environmentally sensitive areas;

All pipelines used for transmission or gathering of natural gas or petroleum products which are located in, or adjacent to, incorporated or unincorporated cities, towns or villages; and

All older pipelines (those constructed before 1971).

Section 5. Directs the Secretary, within 24 months, to survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and to minimize accidental product releases from hazardous liquid pipeline facilities.

Within 12 months of completion of such survey, DOT would issue regulations to establish standards and require procedures and equipment for the rapid detection and location of pipeline ruptures and shut down of pipeline facilities which are located in, or adjacent to, environmentally sensitive areas and cities, towns and villages.

Section 6. Requires that the Secretary issue regulations to require hydrostatic testing of all pipelines, regardless of the date of their construction. Previously hydrostatically tested pipelines could be excluded from such requirements.

Section 7. Directs the Secretary to issue regulations to require operators of natural gas distribution systems to install excess flow valves, where it would be technically feasible and would enhance public safety, in new and renewed gas service lines.

Section 8. Requires the Secretary to issue guidelines for assessing the safety of existing cast iron pipes used for the transportation of natural gas, and for determining the conditions under which pipeline facilities using cast iron pipes must be replaced in order to ensure continued pipeline safety.●

By Mr. MOYNIHAN (for himself and Mr. BURDICK):

S. 1056. A bill to provide for an architectural and engineering design competition for the construction, renovation, and repair of certain public buildings; to the Committee on Environment and Public Works.

EXCELLENCE IN PUBLIC ARCHITECTURE ACT

Mr. MOYNIHAN. Mr. President, today I introduce the Excellence in Public Architecture Act of 1991, a bill to improve the architectural quality of the public buildings built by the General Services Administration.

As chairman of the Environment and Public Works Committee's Subcommittee on Water Resources, Transportation and Infrastructure, GSA's public buildings program comes under my watch.

In 1962, it fell to me to write an architectural policy for the Federal Government. President Kennedy commissioned it. In the "Guiding Principles of Federal Architecture," I wrote, "the design of Federal office buildings * * * must meet a twofold requirement. First, it must provide efficient and economical facilities for the use of Government agencies. Second, it must provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government." We knew, as did Thomas Jefferson at the founding of the new Republic, that to foster a sense of a shared American experience, trust, and common purpose, the quality of public design has got to be made a public issue because it is a political fact.

By and large it seems that we stopped caring about our public architecture. The retreat from magnificence, to use a phrase of Evelyn Waugh's, has gone on long enough. Too long. An era of great public works is as much needed in America as any other single element in our public life. I am pleased to say, however, that under the current GSA Administrator, Richard Austin, this most important public art is again receiving attention.

Under his watch we will finish three grand buildings—the Federal Triangle Building here in Washington, which Benjamin Forgey, that most respected architecture critic of the Washington Post, has reviewed in such glowing terms, and a courthouse and a Federal office building in Foley Square, NY. Attention to design excellence in these cases will be appreciated by generations to come.

To produce better design one must pay attention to it. One way to focus attention on design is through the use of design competitions. And we do have some experience with these. Dr. William Thornton was chosen as the designer of the Capitol through a design

competition. As was James Hoban, the White House architect.

Design competitions do not guarantee good design. But they do get us thinking about it. Our current process does not. These buildings are the public's and our selection process ought allow for their participation. Design competitions can accommodate a dialog between the architects and all of their clients—agency and community alike.

On March 14, my subcommittee heard from a distinguished panel on this subject. They all supported the increased use of design competitions. The bill I introduce today in no way changes the Brooks bill procedure by which GSA has been negotiating for architectural and engineering services since 1972. This process works well and ought not be changed.

The primary purpose of this bill is to turn the evaluation of design projects over to the public—to juries comprised of design experts and members of the community. Government officials will have a role as well. With the cooperation of the Commission of Fine Arts and the National Endowment for the Arts, the General Services Administration shall have the experience and expertise necessary to manage successful design competitions.

Mr. President, this bill is straightforward. It returns us to a design procurement process that has been responsible for the Capitol, the White House, and much more. These competitions can be run quickly and inexpensively. In the main we have stopped procuring architecturally important public buildings. This bill will move us back in the right direction.

Mr. President, I ask that the text of the bill be printed in the RECORD and I yield the floor.

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

S. 1056

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excellence in Public Architecture Act of 1991".

SEC. 2. PUBLIC BUILDING DESIGN COMPETITIONS.

Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) is amended by adding at the end thereof the following new section:

"PUBLIC BUILDING DESIGN COMPETITIONS

"SEC. 905. (a)(1) No later than March 1, 1992, and no later than each March 1 thereafter, the Administrator shall submit to the Commission of Fine Arts and to Congress a list of all projects for the next fiscal year requiring approval under sections 7 and 11 of the Public Buildings Act of 1959 (40 U.S.C. 606 and 610) for which architectural and engineering services for building design or site planning shall first be procured during such fiscal year. In consultation with the Commission of Fine Arts, the Administrator shall designate a substantial number of such projects for which architectural and engineering services shall be acquired through design competitions conducted under this section. For each project so designated, the Administrator shall designate the appropriate competition format in accordance with paragraph (2) of this subsection.

"(2) No later than October 1, 1992, the Administrator in consultation with the Commission of Fine Arts, shall issue model rules under which competitions under this section shall be conducted. The rules shall be in accordance with the provisions of this title and shall—

"(A) establish no fewer than three different model competition procedure formats, at least one of which shall provide for competitions lasting no longer than sixty days and eliciting preliminary design concepts only;

"(B) require approval of the competition program for each project by the Commission of Fine Arts;

"(C) provide for appointment of a project competition adviser and appointment of a project competition jury by the National Endowment for the Arts, in consultation with the Administrator;

"(D) provide that, each jury shall include a representative of the General Services Administration and the principal Federal agency that shall occupy the project; and

"(E) require the project jury to report its recommendations in writing with reasons for such recommendations.

"(3) The Administrator shall conduct each competition provided for under this section and may provide for fair and reasonable compensation for those architect-engineering firms or individuals required to render extensive design services in the course of participating in a competition. Compensation for a competition adviser and for all firms in a competition, including travel costs, shall not exceed one percent of the estimated project cost.

"(4) Project competition juries shall make recommendations for selection based upon the architect-engineering firms or individuals determined best able to produce a design that shall—

"(A) bear visual testimony of the dignity, enterprise, vigor, and stability of the United States Government;

"(B) embody the finest contemporary American architectural thought; and

"(C) where appropriate, reflect regional architectural traditions.

"(5) The jury shall recommend to the Administrator—

"(A) the firm with which the agency head shall negotiate under section 904(a);

"(B) the firm with which the agency head shall negotiate under section 904(b), if necessary; and

"(C) the order of all firms with which the agency head shall negotiate under section 904(c), if necessary.

"(6) The Administrator shall make the final selection. If the selection differs from the jury recommendation the Administrator shall document his reasons for the public record.

"(7)(A) Services of individuals who are not Federal employees as competition jury members and project competition advisers may be procured by the Administrator as temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(B) An individual who serves on a competition jury or as a project competition adviser under the provisions of this section shall not be required to file a financial disclosure report under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. App.) because of such service.

"(b)(1) A firm which participates in a design competition for a project under this section and enters into a contract under this section and section 904 for such project may receive no more than eight percent of the total project costs for architectural and engineering services.

"(2) The General Services Administration shall determine any fair and reasonable compensation for architectural and engineering services provided by a firm that participated in a design competition under this section, other than a firm described in paragraph (1).".

SEC. 3. INCREASE IN FEE LIMITATION FOR CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES.

Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended in the first sentence by striking out "6 per centum" and inserting in lieu thereof "8 per centum".

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. AKAKA, and Mr. CONRAD):

S. 1057. A bill to establish a permanent National Native American Advisory Commission, to remove restrictions regarding the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

NATIONAL NATIVE AMERICAN ADVISORY COMMISSION ACT

• Mr. INOUYE. Mr. President, I am pleased today to introduce a bill to establish a National Native American Advisory Commission. This bill is long overdue in that it will, at long last, provide a mechanism by which citizens of Indian tribes and Alaska Native villages can make their voices heard, through their elected leaders, in the Halls of Congress and in the conference rooms of executive agencies of the Federal Government.

For too long, Congress and the executive branch of government have been deciding what is best for Indian country. Occasionally, strong voices from Indian country would be raised and we would listen. But, all too often, Indian policy has been made in a vacuum, without the needed input from the people for whom the policy is intended. The bill I am introducing today is the first step in providing a permanent, institutional voice for Indian country. The bill establishes a permanent advisory Commission that will be composed of elected leaders of the governments of Indian tribes and Alaska Native villages. These leaders will advise the agencies of the executive branch and the Congress on matters of importance to their communities. They will discuss important issues with other tribal leaders and representatives of the native people of this country at the local level and in turn let us know what the people want.

In addition to establishing a permanent advisory Commission, the bill will remove restrictions in current law with respect to a proposed reorganization of the Bureau of Indian Affairs. Late in the last fiscal year, the Assistant Secretary for Indian Affairs at the Department of the Interior announced plans for a major reorganization of the divisions and departments of the BIA within the Department of the Interior. Indian country reacted quickly and negatively. Simply put, Indian leaders believed they were going to have to accept major changes in Indian policy without an opportunity to provide input into the process. As a result, the Senate and House Appropriations Committees on the Interior agreed to conference language contained in Public Law 101–512, a bill making appropriations for the Department of the Interior for fiscal year 1991, that restricts the authority of the BIA to undertake plans and reprogramming requests to accomplish reorganization.

Since passage of Public Law 101–512, the BIA has established a task force of tribal leaders, three from each area office of the BIA, to consult and advise the BIA on plans for reorganization. This task force has had several meetings to address various aspects of the reorganization proposal. Title II of the bill I am introducing will remove restrictive language contained in Public Law 101–512 that would otherwise preclude implementation of any recommendations of the tribal leaders task force in this fiscal year. This is an important provision of the bill in that it sends a clear signal to the administration that Congress is serious about tribal consultation and, when that is accomplished, that the Congress will support the BIA in its efforts to move forward with needed reforms.

Mr. President, introduction of this measure is but a first step in what could be a long legislative process. However, I and the other cosponsors of the measure, believe that the Congress can and should move this bill quickly. As chairman of the Senate Select Committee on Indian Affairs, I am committed to early hearings on the important issues addressed by this measure and will look for support from my Senate colleagues for early passage of the bill.•

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

S. 1059. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain personnel who were members of the Reserve components or other nonregular components of the Armed Forces before August 16, 1945, and did not perform active duty during certain periods, and for other purposes; to the Committee on Armed Services.

ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE

• Mr. AKAKA. Mr. President, today I am introducing legislation which will provide equality in retirement pay to certain personnel who were members of the reserve components or other nonregular components of the Armed Forces.

I am pleased that the senior Senator from Hawaii [Mr. INOUYE] is joining me in this effort to grant eligibility for retired pay to certain Armed Forces personnel.

Mr. President, this issue was brought to my attention by two individuals who reside in my home State of Hawaii. Both of these individuals have been denied retirement pay because they failed to perform active duty service either during World War II, the Korean conflict, the Berlin/Cuban crisis, or during the Vietnam conflict. The circumstances under which these individuals were unable to fulfill their active duty requirement are different, however, the result is still the same—both have been denied their retirement pay.

This denial fails to recognize the more than 20 years of distinguished service each individual gave to this country. The courts have stated that the active duty requirement was a deliberate and rational choice of Congress, and it was to be used as an inducement to help maintain a cadre of trained soldiers for active duty. As such, the denial of retirement pay to these individuals is in conflict to what Congress was trying to achieve.

For example, Edward Cooke served in the Naval Reserves from 1936 to 1939, he was not called to active duty during this time. In fact, he was honorably discharged by "Special Order of the Bureau of Navigation" because his skills were needed in a civilian shipyard position to support the military. This discharge also prevented his draft to active duty in the event of a national emergency.

He reenlisted in a Reserve component in 1953 and served without interruption until 1978, at which time he was transferred to the Retired Reserves. Because of his initial 3 years of service, Mr. Cooke has been denied his retirement pay because "(n)o person who, before August 16, 1945, was a Reserve of an Armed Forces, * * * is eligible for retired pay under this chapter, unless he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or unless he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973."

Although Edward Cooke went on to serve his country diligently for 25 years in the Ready Reserve, he has been denied retirement pay because of his initial 3 years of service. If this gentleman has not served before August 16, 1945, and had enlisted in 1953 and retired as he did in 1978, he would have qualified for retirement benefits. This does not seem inherently fair. It is was the intent of Congress to provide retirement pay as an incentive to service in the Reserves, then Mr. Cooke's 25 years of honorable service certainly fulfills the intent of Congress, and therefore, he should receive his retirement pay.

There are also many retired Hawaii reservists and National Guardsmen who are caught in this tragic situation because of circumstances beyond their control, and I would like to share with my colleagues the predicament these individuals are currently facing due to the active duty requirement imposed by Congress.

After the start of World War II, the then Territory of Hawaii was placed under martial law and was administered by a Military Governor. On December 20, 1941, the Military Governor issued General Order No. 38, which froze many civilians to their jobs. Since this freeze was in effect until March 31, 1942, many reservists and National Guardsmen who were frozen to their civilian jobs were unable to fulfill their active duty as required by law. However, after the war many of these individuals reenlisted in the Reserve components and served honorably and faithfully for 20 or more years.

Take Lt. Col. Frank Carlos, retired, who at 17 years of age enlisted in the Hawaii National Guard in 1937. He was honorably discharged in April 1940 and went to work in the private sector. Due to the nature of his employment in the private sector, Frank was "frozen" to his job during World War II. Although Frank was drafted during this time, his "frozen" status prevented his enlistment.

In October 1947, Frank enlisted as a private in the Hawaii Air National Guard. Through 26 years of dedicated service, Frank rose to the position of lieutenant colonel. In December 1973, he was placed in the Air Force Retired Reserve due to a heart attack while participating in a general inspection exercise.

Although Frank carried out his duties with the Hawaii Air National Guard from 1947 to 1973, he was not called to active duty at any time during this period. It is unfair, therefore, to deny Frank Carlos and those like him their retirement pay because they were unable to fulfill the active duty requirement imposed by Congress, especially when such action was beyond their control.

Mr. President, many reservists and National Guardsmen are currently in this predicament—we should not diminish their contribution to this Nation simply because they did not serve on active duty. Some may say that this

provision will provide a benefit to those who may have deliberately attempted to avoid active duty, perhaps there are one or two individuals. But for the vast majority, many were willing and waiting to serve their country to the best of their abilities—they just were never called to duty.

Mr. President, the question here is equality—to deny retirement pay to reservists simply because they enlisted in the Reserves before August 16, 1945, and did not perform active duty, while ignoring 20 or more years of honorable service after this date, is wrong and unfair. This situation needs to be addressed and corrected which is why I am introducing this legislation. I urge my colleagues to join me in this effort to ensure equality for all of our Armed Forces personnel.●

By Mr. HARKIN (for himself, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. GRASSLEY, Mr. BURDICK, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMON, AND Mr. CONRAD):

S. 1060. A bill to authorize appropriations for local rail freight assistance through fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

LOCAL RAIL FREIGHT ASSISTANCE REAUTHORIZATION ACT

● Mr. HARKIN. Mr. President, I am introducing, with the support of Senators KASSEBAUM, DASCHLE, PRESSLER, BURDICK, CONRAD, GRASSLEY, SIMON, and ROCKEFELLER, who have cosponsored this legislation that will reauthorize the Local Rail Freight Assistance Program. This program was last authorized in 1989 and with that authorization expiring on September 30, 1991. I would like to review, for just a moment, some of the reasons that I continue to support this legislation and urge my colleagues to do the same.

Mr. President, few governmental efforts are as cost efficient as this particular rail assistance program. Throughout my area of the country many railroad branch lines have been falling into disrepair. Much of this problem is caused by the fact that many railroad companies either don't have the capital to maintain a branch line or that companies may find more profitable uses for their capital elsewhere. Railroad branch lines, however, are an important resource for a number of communities across America. If this program did not exist and lines were solely rehabilitated on the basis of only the railroads' economic abilities, I suspect that many of these railroad branch lines would cease to exist. This would have serious consequences for not only farmers, miners, and manufacturers who depend on the railroad for transportation of their products, such a state of events would have serious consequences for taxpayers and consumers in this Nation as well.

In most situations, the cost of transporting bulk products such as coal and grains is much cheaper by rail than by truck. When rail lines fall into disrepair and disuse an added financial burden will register at the supermarket checkout line and in the utility bills of consumers.

In addition, there is an indirect cost to the taxpayer when rail branch lines are abandoned. It has been estimated it takes almost four diesel trucks to carry the load of one railroad car. If trucks are to replace railroads, the environmental effects and man hours wasted by this trade off, not to mention the cost to the taxpayer of the added wear and tear to our Nation's highways, speaks to the need to maintain the viablility of our rural railroad freight system.

This legislation contains a very modest authorization for the next 3 years—starting with $16 million for next year, $20 million for fiscal year 1993, and $25 million for fiscal year 1994.

As I have said this will be money well spent. In this day and age when international competitiveness is so crucial for the promotion of American exports, it is very important that the U.S. Government help maintain the most cost-effective transportation system possible. Our rail freight infrastructure is a small but crucial component of our Nation's transportation assets. Please join me in supporting this legislation which is a small step in what I hope will become a march to repair our Nation's decaying infrastructure.●

● Mr. DASCHLE. Mr. President, I am pleased to join with my colleagues today in introducing the reauthorization of the Local Rail Freight Assistance Program [LRFA].

First, I commend my distinguished colleague from Iowa, Senator HARKIN, for his leadership in once again bringing this crucial issue to the Senate floor. Those of us who work with him on a daily basis fully appreciate his continuing efforts on behalf of rural America.

Since the enactment of the LRFA in 1973, the rehabilitation of miles of vital rail lines traversing America has been realized. The LRFA has provided grants and low-interest loans for the acquisition of deteriorating branch lines and the rehabilitation of track. Once the loans have been issued, the repaid funds return to the States to address new railroad demands. This must be allowed to continue if the entire nation expects to meet the serious challenges facing railroads—especially in rural areas.

In my State, LRFA has been essential to saving existing rail lines. The rail system is an integral component of the economic vitality of South Dakota or any rural State. Especially in South Dakota, where agriculture is the prominent industry, rail transport is the lifeline for many farmers and businesses. The distances to export markets, such as the Pacific Northwest ports used by grain shippers in rural States, makes that point clear. Failure to reauthorize this program would seriously endanger the agricultural industry of America.

In the past, South Dakota had been faced with the potential loss of over half its rail network. The LRFA Program made it possible for miles of rail lines to remain operational and to provide safe and efficient transportation. South Dakota is one of many States to benefit from this program.

When the impact on the economic vitality of entire regions of the Nation, and the lives of individual farmers, is understood, the need for this reauthorization becomes clear. I strongly support this bill and urge my colleagues to join in this effort to continue this crucial program for providing needed rail service across the Nation.●

By Mr. CONRAD (for himself, Mrs. KASSEBAUM, and Mr. EXON):

S. 1061. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032 to all qualified heirs; to the Committee on Finance.

ESTATE TAX TREATMENT OF FAMILY FARMS

● Mr. CONRAD. Mr. President, the measure I am introducing today, along with my distinguished colleagues from Kansas, Mrs. KASSEBAUM, and Nebraska, Mr. EXON, addresses a problem with the tax treatment of cash-rented farm property.

In 1988, the Technical Corrections Act made an important change in the estate tax law that will enable more farm families to keep an ongoing farming operation in the family when the property owner dies.

Section 2032A, as admended by the technical correction, extends special use valuation of farm property to surviving spouses who continue to cash-rent farm property to their children. Without this change, a recapture tax would have been imposed in such situations. By allowing the spouse to qualify for special use valuation, the correction was clearly intended to allow a farmer to transmit farm land to his children who would then continue to farm the property.

The 1988 provision, which applies to cash rentals occurring after December 31, 1986, was clearly helpful, but it did not entirely solve the problem. If there is no surviving spouse, it is not possible under the 1988 law to transmit such property to one's children or grandchildren without triggering the recapture tax.

The bill we are introducing today would apply to such analogous cases. Since the technical corrections law took effect, we've learned of examples of this inequity from our constituents. In North Dakota, I have a constituent

who cash-rented farm property from his mother, who had received the property from her father. Although the deceased grandfather qualified for special use valuation, neither the daughter nor the grandson would be able to under a provision applying only to surviving spouses.

I do not believe such situations are widespread, and it seems likely that Congress did not anticipate them when the language on surviving spouses was approved in 1988. But these cases do exist, and I believe they deserve the same treatment under section 2032A.

The bill we are introducing today is narrowly drawn to apply to qualified heirs who are immediate members of the decedent's family. It is almost identical to S. 460, which I sponsored in the 101st Congress. The only difference is the inclusion of a waiver of the statute of limitations, to give taxpayers who would become eligible for special use valuation under our bill the opportunity to amend their tax returns for years in which they paid the recapture tax.

I urge my colleagues to consider the fairness of making this change, and approve a further correction in this area.●

By Mr. ROTH:

S. 1062. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FREE TELEVISION BROADCAST TIME TO SENATE CANDIDATES

Mr. ROTH. Mr. President, for over 20 years as a Senator, I have been studying the subject of campaign finance reform. After considerable reflection, I have come to the conclusion that my initial views were correct. The key to reform in this body is free television time.

In 1971, I recall broaching the proposal with my colleagues. At the time, there were only a handful of Senators who would support it. Today, I am not sure what my colleagues would do. But I am convinced that free television time for Senate candidates is an idea whose time has come.

The cost of television time is a very large percentage of total campaign expenditures. It is the single reason why expensive races are expensive. While estimates of costs vary, they are all substantial. This is particularly true of Senate races.

If television broadcast licensees were required as a condition of their license to serve the public interest by providing free time, the cost of Senate campaigns would dramatically drop. Senate candidates would become less dependent on fundraising and fundraisers. No candidate enjoys spending the time it takes today to raise substantial sums for campaigns. Nor is the public pleased with the dependence of candidates on fundraising.

But the adoption of my proposal would have an impact well beyond these concerns. Free television time would have a profound impact on the electoral process. It would not only provide major campaign finance reform, it would also obviate whatever need some hold for limiting the terms of Senators.

Those who advocate term limitations base their argument on the concept that elections between incumbents and challengers are so uncompetitive that a constitutional amendment is needed to bar incumbents from running. My proposal would undercut that premise by guaranteeing that a challenger would have the opportunity for a full presentation of his or her views on television. In my opinion, the single most important factor in making a campaign competitive is whether the challenger has an opportunity to state his or her case to the electorate.

While term-limitation proposals restrict the political power of the people, my proposal would nourish it. The people would have the opportunity to hear both sides of the contest. Their choice would not be limited only to challengers.

Perhaps the competitive aspects of my proposal will cause some incumbents to oppose my proposal. Many reforms are frankly proposed because they make campaigning harder for challengers or for the other party. This reform proposal is different. It will make incumbents less comfortable. I doubt, however, that this reason for opposing my proposal will be heard very much.

How would my proposal work? It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Free television time would be made available on the condition that the candidate forego both the purchase of time on his own and the acceptance of additional time purchased by any other person during this 45-day period.

We all are impacted by the spiraling costs of television time. Eliminating the cost eliminates our dependence on contributions necessary to pay the cost. Without television costs, I doubt we would have a campaign finance problem to remedy.

By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire. It would cut campaign budgets by more than half, which should appeal to everyone, regardless of party affiliation. It would limit spending on television broadcast time during the general election campaign, which should appeal to Democrats, who have proposed spending limits.

The proposal would apply only to the general election, but the FCC is directed to report back to Congress the recommendations on possibly the concept to primary and other elections.

Let me now address certain questions that my colleagues may have. How much time would the proposal provide? No fixed amount is set forth in the legislation. Rather the FCC, the agency with jurisdiction over the airwaves, is directed to consult with the Federal Election Commission and then determine how much time would be allocated for each race taking into account the amount of television broadcast time previously used by candidates for the Senate in that State, provided that the time made available be sufficient to make a complete presentation of views to the electorate. The proviso is intended to deal with precedents involving uncontested or virtually uncontested Senate elections in which full use of television broadcast time was not necessary. It is my intention that the amount of television broadcast time be substantial, the equivalent of the current use of television broadcast time in a contested election. It should be so ample as to induce each and every candidate to accept the offer and its terms.

What kind of time will it be? Basically prime time. The FCC is directed to ensure that the television time provided be at hours of the day that people are watching. A television broadcast station could not fulfill the mandate by providing time after midnight or on Saturday mornings during cartoons.

Won't some stations bear a disproportionate share of the burden? In case that should happen, as it might, the FCC is authorized to direct television broadcasters to pool resources so as to ameliorate any disproportionate financial impact on a particular broadcaster.

How are third parties treated under the proposal? Candidates who are not nominees of the major parties are entitled to proportionately less time, as measured by the level of their small contributions compared to the corresponding levels for the major party candidates. There have been occasions when third-party candidates for the Senate have, in fact, won. So third parties must be accommodated for both practical and constitutional reasons. My proposal would allow the FCC to use the level of small contributions as a measure of third-party entitlement to television broadcast time.

Mr. President, last year, while I was circulating my proposal as a possible

amendment to the campaign finance legislation, I encountered three different concerns. The first is that the broadcasters would get very angry with those who support this proposal. But if you reflect on the fear inherent in that thought, it simply underscores how important television broadcast time is to the future of American politics. The second concern about my proposal was that it basically solved the problem so well that other solutions that have been advocated; namely, public financing and spending limits; might become virtually unnecessary. This was a very sad reason to oppose my proposal. It showed me what a sorry state campaign finance reform legislation was in last year.

The third concern was that the amendment might be unconstitutional. I strongly disagree with this contention.

We have historically conditioned the holding of a broadcast license on serving the public interest. To me there is little that can surpass either; First, the public interest in reducing campaign costs; or second, the public interest in providing the opportunity for candidates to present their view so the elections might hinge on the merits rather than on television advertising advantages.

No one would suggest that if a TV station decided on its own to adopt the policy of this legislation—a limited amount of free TV time and no more, there would be a constitutional problem. The station would only be operating in the public interest. The legislation merely gives definition to that term. The broadcast media have been compelled to grant access to their channels of communication against their will before. The fairness doctrine and the equal opportunity doctrine are prime examples. They were challenged as unconstitutional in the landmark case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969). The Supreme Court held such compulsory access to be valid, saying that the first amendment as applied to the broadcast media required a balancing of interests with those of the audience paramount. Compelling all sides of an issue to be heard furthers rather than thwarts the ends of the first amendment. Such regulation, the Court said, is permitted under the first amendment because of the scarcity of broadcast frequencies, the use of which is licensed.

The National Association of Broadcasters [NAB] testified recently before the Rules Committee in opposition to the concept of free television time. The NAB argued that the distinction drawn by the Supreme Court between the broadcast industry with a scarcity of broadcast frequencies and the newspaper industry with unlimited capacities has become outmoded. But NAB's factual argument is entirely undercut by its own discussion of current marketing practices of preemptible and non preemptible time. The NAB characterizes the sale of time as an auction where higher bidders bump lower ones. That is not the way a customer buys advertising space in a newspaper. The newspaper creates more space for the next ad rather than preempt the previous customer.

Thus, from NAB's own testimony it appears that the scarcity rationale of the Supreme Court's Red Lion decision is still valid. Access to broadcast channels may still be compelled by the government for the public interest. The business of broadcasting is not exempt from government regulations that carry financial costs merely because broadcasters exercise first amendment rights. The only difference between compulsory access and compulsory free access is money. But Senators must forgo money earned for their exercise of first amendment rights after they have earned a certain level of honoraria. And each exercise is subject to a $2,000 limit. No one has seriously suggested that these limits are unconstitutional. The point is that it is not the broadcaster's profits that are constitutionally protected but rather it is their use of the airwaves. Compulsory access is justified, however, because of the scarcity of frequencies.

The program of compulsory discounted broadcast time which the NAB supports is no different—constitutionally—from the program of compulsory free time that I advocate. Yes, there may be a financial difference. But not a constitutional one.

Therefore, in my opinion, the proposal is constitutional. While TV stations are sure to complain, it is an opportunity for them to demonstrate their claim that they serve the public interest.

Mr. President, it is time to recapture the airwaves to allow them to be put to public use. I can think of no better way to serve the American public than for television broadcast stations to serve as a public forum for electoral discourse.

Mr. President, I ask unanimous consent that the legislation I am introducing at this time be placed in the RECORD following my remarks. I also ask unanimous consent that a commentary by Charles Krauthammer entitled, "Why Candidates Should Get Free TV Time," that appeared in the Washington Post on October 24, 1986, and an editorial from Roll Call that appeared on February 25, 1991, be printed in the RECORD.

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

S. 1062

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

Section 315 (a) of the Communications Act of 1934 is amended to read as follows:

(a) ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBITION.—Each licensee operating a television broadcasting station shall make available without charge to any legally qualified candidate in the general election for the office of United States Senator an amount of broadcast time, determined by the Commission under subsection (d), for use in his or her campaign for election, subject to the conditions and limitations of subsection (e). No licensee shall have power of censorship over the material broadcast under the provisions of this section.

(b) EQUAL OPPORTUNITIES REQUIREMENT; CENSORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—Except in those circumstances to which subsection (a) applies, if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he or she shall afford equal opportunities to all other such candidates for the office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.

(c) NEWS APPEARANCES EXCEPTION; PUBLIC INTEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto);

shall not be deemed to be use of a broadcasting station within the meaning of subsections (a) or (b). Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscast, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(d) RULES AND REGULATIONS REGARDING ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES.—The Commission shall, after consultation with the Federal Election Commission, determine the amount of television broadcast time that legally qualified major-party candidates for a Senate office may receive under subsection (a) on the basis of the amount of television broadcast time used by major-party candidates in the previous election of the United States Senate, provided that at a minimum such candidates be provided an amount of television broadcast time necessary to make a complete presentation of views to the electorate in the pending election. The amount of television broadcast time that each candidate is eligible to receive and the amount of such time that each licensee must make available to each eligible candidate by name shall be published prior to each Senate election in the Federal Register by the Commission on a date established by regulation. The broadcast time made available under subsection (a) shall be made available during the 45-day period preceding the general election for such office. The Commission shall ensure that the television broadcast time made available under subsection (a) shall be

made available fairly and equitably, through licensees commonly used by candidates seeking the particular United States Senate office, and at hours of the day which reflect television viewing habits and contemporaneous campaign practices. A legally qualified candidate of a party other than a party which obtained 5 percent or more of the popular vote in the last presidential election shall, by regulation of the Commission, be granted an allocation of broadcast time in proportion to the amount of contributions under $250 such a candidate has received when compared to such contributions received by candidates of the major parties, provided that such proportion exceeds 5 percent. The Commission shall require licensees operating television broadcasting stations to enter into a pooling agreement to ameliorate any disproportionate financial impact on particular licensees. For purposes of this subsection, a major party is a party which obtained more than 5% of the popular vote in the previous presidential election.

(e) CONDITIONS AND LIMITATIONS.—The entitlement of any legally qualified candidate to television broadcast time under subsection (a) is conditional upon (1) signing an agreement to forego both the purchase of any additional amount of broadcast time, and the acceptance of any additional amount of television broadcast time purchased by another, during the period that such time is made available with respect to such candidacy pursuant to subsection (a) and the Commission's regulations, and (2) filing a copy of such agreement with the Commission.

(f) PENALTIES AND REMEDIES.—Any candidate who purchases or accepts purchased television broadcast time in violation of such agreement shall be subject, upon conviction, to imprisonment of up to one year or a fine of up to $10,000, or both. Any licensee who sells television broadcast time to a candidate, who has filed an agreement, in excess of the time to be provided by such licensee to such candidate pursuant to subsection (a) and the Commission's regulations shall be subject to appropriate disciplinary action by the Commission, including (1) an order requiring the licensee to provide an equal amount of time to other candidates for the same office, or (2) an order revoking the licensee's license.

SEC. 2. Section 315 of the Communications Act of 1934 is further amended as follows: (1) in subsection (b) by striking the phrase "The charges" and inserting in lieu thereof "Except to the extent that the provisions of subsection (a) apply, the charges"; (2) by redesignating subsections (b), (c), and (d) as (f), (g), and (h) respectively; and (3) by adding "generally" after "Rules and regulations" in redesignated suhsection (h).

SEC. 3. Subsection (a)(7) of section 312 of the Communications Act of 1934, as amended, is amended to read as follows: "(7) for willful or repeated failure to comply with the provisions of section 315 of this title."

SEC. 4. Subsection (8) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of contributions, is amended as follows: (1) at the end of paragraph (B) (xiii) by striking the semicolon; (2) at the end of paragraph (B)(xiv) by striking the period and inserting "; and" in lieu thereof; and (3) at the end of paragraph (B) by adding the following; "(xv) the value of any television broadcast time provided without charge by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended."

SEC. 5. Subsection (9) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of expenditures, is amended as follows: (1) by inserting after paragraph (B)(i) the following: "(ii) the provision without charge of any television broadcast time by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended;" and (2) be redesignating subsequent subparagraphs accordingly.

SEC. 6. The Federal Communications Commission shall study the application of section 315(a) of the Communications Act of 1934, as amended by this Act, to the first general election campaign conducted under the provisions of that section and shall report the results of that study, together with recommendations, including recommendations for legislation, not later than the first day of March following such general election. The study shall also evaluate the desirability and feasibility of extending the provisions of section 315(a) of the Communications Act of 1934 to primary and other election campaigns.

SEC. 7. The Federal Communications Commission shall promulgate rules and regulations to implement this Act no later than 180 days after the date of enactment of this Act. Sections 1 and 2 of this Act shall not take effect until the first day of July following the promulgations of such rules and regulations.

[From the Washington Post, Oct. 24, 1986]

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Live.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to rebut it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities: fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say, ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself: John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side: make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5–$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: Britain has a similar system, and British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

[From Roll Call, Feb. 25, 1991]

THAT CAMPAIGN MONEY

Before members of the new task force on campaign finance reform start ripping the current system to shreds, they should read carefully the 70-page document that the FEC has produced on the 1990 election cycle. The FEC's fine statistical work is summarized in our article on page one. It shows that campaign spending was down significantly—by some $14 million—in the '90 cycle compared with the '88 cycle. There are reasons given, certainly, including a sluggish economy and

a supposed lack of hot Senate races. Actually, some Senate contests were exceedingly hot—Levin vs. Schuette in Michigan cost $10 million, Simon vs. Martin in Illinois cost $13 million, Kerry vs. Rappaport in Massachusetts cost $13 million, and Helms vs. Gantt in North Carolina cost $26 million, to cite only a few. The fanatics can make all the excuses they want, but the fact is that overall spending fell, and PAC giving rose by only 2 percent.

What are we to make of the numbers? First, they suggest strongly that we should take a circumspect attitude toward sweeping campaign reform. The average Congressional candidate raised $267,120; that is not an enormous amount of money. Incumbents outspent challengers by a wide margin, but that is to be expected. Incumbents, by definition, already have the approval of voters. We shouldn't be amazed that such approval is affirmed through campaign contributions. The numbers also suggest a certain self-restraint on the part of PACs. Rightly or wrongly (and we believe wrongly), PACs have taken the brunt of the campaign-finance criticism. PAC directors know they're under scrutiny, and there is evidence that they are lightening up. This is exactly the sort of marketplace reaction that's healthy. To complain about the influence of large donors like PACs is legitimate, but to make serious structural changes in the campaign finance system could be very dangerous.

More important than the aggregate figures, however, is the fine print. The clear conclusion to be drawn is that money alone does not win elections. In Minnesota, Democratic challenger Paul Wellstone, for example, spent $1.3 million to beat Sen. Rudy Boschwitz; the incumbent spent nearly $8 million. In New Jersey, Christine Whitman (R) spent $800,000 and received 49 percent of the vote; the winner, Sen. Bill Bradley (D), spent more than $12 million.

On the House side, Rep. Vic Fazio (D-Calif) spent $1 million but received only 55 percent of the vote against two opponents who together spent $40,000. Rep. Newt Gingrich (R-Ga) spent $1.5 million and took just 51 percent against David Worley (D), who spent only $334,000. Rep. Bill Lowery (R-Calif) spent $576,000 but beat his opponent, who spent $72,000, by a margin of only 49 to 44 percent.

Figures like these strongly indicate that money is overrated as a factor in our political life. More subtly, they seem to say that perhaps beyond a certain threshold, perhaps as low as $100,000 or $200,000, marginal spending does not have a big effect. That is why we believe that the most important campaign reform is the simplest: Allow candidates of major parties free broadcast time on TV and radio, perhaps $100,000 in House races. Such a system would obviate some of the need for time-consuming fundraising and would level the playing field for challengers.●

By Mr. DOMENICI (for himself, Mr. AKAKA, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1063. A bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance; to the Committee on Labor and Human Resources.

COLLEGE HONORS PROGRAM ACT

● Mr. DOMENICI. Mr. President, the bill I am introducing today is a slight modification of one I introduced on March 5, 1991, S. 536, the College Honors Program.

Rather than describe the bill as I did back in March, I would like to simply point out the changes that are proposed here today. Simply, we are adding language that will provide incentives for students, subsequent to completion of their academic preparation, to teach in Alaska Native villages and in areas with high concentrations of native Hawaiians. These incentives already exist in the original legislation for students to pursue careers on Indian reservations and I believe it is appropriate to include other native Americans as well.

Mr. President, I am pleased to have as original cosponsors Senator AKAKA, Senator MURKOWSKI, and Senator COCHRAN. I believe this is a very important piece of legislation and I look forward to its consideration by the Committee on Labor and Human Resources.●

By Mr. GLENN (for himself and Mr. METZENBAUM):

S. 1064. A bill to establish the Dayton Aviation Heritage National Historical Park in Dayton, OH, and for other purposes; to the Committee on Energy and Natural Resources.

DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK AND WRIGHT-DUNBAR NATIONAL HISTORIC PRESERVATION DISTRICT

Mr. GLENN. Mr. President, I rise today to introduce legislation to create a national park in Dayton, OH, to honor the Wright brothers, Paul Laurence Dunbar, and others who assisted in the birth of aviation. As an aviator, I have long admired the Wright brothers for their great discovery. Since I was a small child, I have heard of that great day in Kill Devil Hills, NC, when Orville and Wilbur Wright succeeded in the first sustained, controlled, heavier than air, manned flight. However great that day was, and, Mr. President, I feel it was monumental, that one day, December 17, 1903, was the culmination of years of arduous work and experimentation, most of which occurred in Dayton. These two men experimented as none before, performing research and experimentation to prove the feasibility of flight. And they were right!

Orville and Wilbur Wright were two of five children. As the sons of a Brethren bishop, hard work and perseverance were instilled in them at an early age. Both had complementary personalities: Orville was an idea man and a dreamer, while Wilbur was meticulous in his habits and followed his projects through to the end. Together their strengths and weaknesses, combined with their exceptional mechanical aptitude, enabled them to comprehend the complex aeronautical experiments that had already been performed by men like Gustav Lilienthal and Octave Chanute.

The Wrights learned the mechanics of bicycles in their bicycle shop and incorporated the very same principles into airplane designs. Before the flyer, they experimented with kites, increasing their size until in 1899, Wilbur built a biplane model with a 5 foot wingspan. Each experiment was larger and more complex than the last. Once the Wrights learned of one aviation property, they recorded and incorporated it into their successive designs, until on December 17, 1903, the Wrights accomplished their goal in Kill Devil Hills. Strapped into what is similar to a modern hang glider, Orville made his first flight. Ironically, the flight which forever altered transportation was witnessed by only five people and lasted only 12 seconds. It traversed a distance of only 120 feet. By noon of that day, the fourth flight, made by Wilbur, remained in the air 59 seconds and traveled 852 feet.

This legislation establishes the Wright-Dunbar Historic Preservation District in Dayton's west side, with boundaries identical to those of the Wright-Dunbar Village, already established by the city of Dayton. The National Park Service is required to buy, restore, and maintain the building which housed the Wright Brothers Cycle Co. and the Hoover block, the building which housed the Wright brothers' printing shop.

The National Park Service is authorized to buy other properties within the park boundaries. The National Park Service is allowed 120 days to exercise the right of first refusal if Hawthorn Hill is sold. In addition, the National Park Service may enter into agreements with Federal, State, or local governments or private organizations to carry out any function permitted under the act, and it may restore properties that it does not own.

The legislation further calls for a general management plan, a 3-year study to determine the direction and needs of the park. Public participation is required in the preparation of the study, and the National Park Service must consult with the owners of the national historic landmarks which are incorporated in the park.

This legislation establishes the Dayton Historic Preservation Commission, which shall administer the preservation district, enhance and preserve historic resources in the Dayton area associated with the Wright brothers, the history of aviation, and Paul Laurence Dunbar. Terms are 2 years, but some initial members are there to create staggered terms, and are without pay. The Commission will end after the year 2003, the 100th anniversary of the first flight. The Commission has the authority to: First, operate loan and grants programs for revitalization of the preservation district; second, offer technical assistance to owners of historic properties in Dayton; third, offer

grants or conduct historical and cultural programs that benefit the park; and fourth, own or maintain property within the preservation district or historic property outside the preservation district.

Its membership shall include appointments of the Secretaries of Defense, Housing and Urban Development, Transportation, and the Interior, many based on recommendations by various State and local officials. The total estimated costs of this parcel are estimated at $5,494,000, with a combined acreage of 128.

Mr. President, I would like to tell you today that everyone was behind the Wright brothers 100 percent. But that is just not so. Most people thought that these two men were crazy, and scoffed at their experiments. Their own father laughed at them. It was not until after their first success that any credibility was given to their work. One would think that their remarkable success would have allowed them to sit back and rest on their achievement. The Wrights were not willing to do this. Once they returned from North Carolina, they began working on the construction of a better model. At Huffman Field, in Dayton, they solved the problem of turning equilibrium. On May 22, 1905, the Wrights obtained a patent for their flying machine. Foreign governments began negotiations with the Wrights for these flying machines. It was not until 1907 that the U.S. Government contracted with the Wrights for the first time.

In addition to the mechanical aptitudes these two men possessed, both Orville and Wilbur owned and operated their own paper, entitled the West Side News. It was this paper that allowed their friend, Paul Laurence Dunbar, a young black poet and childhood friend of Orville Wright, to publish his poems and articles. At a time when black poets were not encouraged to write about subjects other than their blackness, Dunbar's poems were shocking to the literary community of the early 20th century. Dunbar's poems dealt with the uniqueness and extraordinary characteristics of the ordinary man. He found, in Dayton, that heroes as brave and strong as those in history books existed in his own town, and all over the world in other towns. It was this belief in man's superlative powers that characterized most of his writings. Later in his life, Dunbar expanded this focus to include the injustices that he still saw being heaped upon his race. In this way, Dunbar became a champion, and we wish to honor him today with this park.

This legislation designates five noncontiguous sites in the Dayton area as part of the Dayton Aviation Heritage National Historical Park. These sites are: A core parcel in Dayton consisting of the buildings along the two block stretch of West Third Street between Broadway and Shannon Streets, including the Wright Cycle Co. building, Hoover block, the Daniel Fitch house, the Ed Sines house, the Wright family house site, and Orville Wright's laboratory site. The park will consist of approximately 10 acres of land. In addition, the Huffman Prairie Flying Field and Wright Brothers Hill on Wright-Patterson Air Force Base will be included, as will the Wright 1905 Flyer at Carillon Park, Dayton, Hawthorn Hill, the Wright's home, and the Paul Laurence Dunbar house.

The perception of the world was forever broadened on that fateful day in 1903. Mr. President, as the 100th anniversary of that day approaches, I hope that we can associate the work and achievement of Wilbur and Orville Wright with the city of their birth, Dayton, OH. Mr. President, this park is scheduled for opening near the 100th anniversary of that first flight. I look forward to attending the ceremony commemorating that great event.

Mr. President, I ask unanimous consent that the summary of the bill and a copy of the legislation be included after my remarks in the RECORD as if read.

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

S. 1064

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 "Dayton Aviation Heritage National Historical Park and Wright-Dunbar National Historic Preservation District Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the invention of the airplane represents one of mankind's greatest technological achievements, and further aviation developments have dramatically changed the lives of people throughout the world;

(2) in Dayton, Ohio, and surrounding areas, Orville and Wilbur Wright developed the technology for controlled powered flight, constructed the world's first airplane capable of controlled manned flight, constructed and flew the world's first practical airplane, and established the world's first permanent flying school;

(3) following on the work of the Wright brothers, aviation pioneers around Dayton, Ohio, made many critical advances in the early development of aeronautics and promotion of flight, including—

(A) manufacture of the world's first mass-produced airplane;

(B) development of nighttime, high altitude, and blind flying;

(C) origination of the world's first commercial airplane flight; and

(D) invention of the modern freefall parachute, radio beacon navigation, guided missile, reversible pitch airplane propeller, crop-duster airplane, night aerial photography, and pressurized airplane cabin;

(4) Paul Laurence Dunbar, one of the greatest American poets, was the first black writer in the United States to derive an income primarily from his writings and one of the first to attain national and international prominence;

(5) the Wright brothers' printing shop printed Paul Laurence Dunbar's early writings; the Wrights provided Dunbar's newspaper, The Tattler; and Orville Wright and Dunbar were high school classmates and life-long friends;

(6) certain sites, structures, districts, and artifacts in and around Dayton, Ohio, are of national historical significance in the birth and development of controlled, powered flight and in the life of Paul Laurence Dunbar;

(7) the preservation and interpretation of those sites, structures, districts, and artifacts can make a significant contribution to the national heritage of the United States; and

(8) partnerships between Federal, State, and local governments and the private sector offer the most effective opportunities for the enhancement and management of the historical and cultural resources in the Miami Valley associated with the Wright brothers, aviation, and Paul Laurence Dunbar.

(b) PURPOSES.—The purpose of this Act is to create "partnerships" among Federal, State, and local governments and the private sector to preserve, enhance, and interpret the historical and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, that are associated with the Wright brothers and the invention and early development of aviation or the life and works of Paul Laurence Dunbar, which, as a unit, represent a nationally significant historical resource.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "park" means the Dayton Aviation Heritage National Historical Park established by section 101;

(2) the term "preservation district" means the Wright-Dunbar National Historic Preservation District established by section 102;

(3) the term "Commission" means the Dayton Historic Preservation Commission established by section 201; and

(4) the term "Secretary" means the Secretary of the Interior.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK AND WRIGHT-DUNBAR HISTORIC PRESERVATION DISTRICT

SEC. 101. ESTABLISHMENT OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park.

(b) AREA INCLUDED.—(1) The park shall consist of the following sites:

(A) A core parcel in Dayton, Ohio, containing the 2 blocks on West Third Street between and including Shannon Street and Broadway, the Wright Cycle Company, Hoover Block, Daniel Fitch house, Ed Sines house, Wright family house site, and Orville Wright's laboratory site, consisting of the lands within the boundaries generally depicted on the map entitled "Birthplace of Aviation National Historic Park" and dated.

(B) Huffman Prairie Flying Field and Wright Brothers Hill at Wright-Patterson Air Force Base, Ohio, the boundaries of which shall be agreed to between the Secretary of the Air Force and the Secretary of the Interior.

(C) The Wright 1905 Flyer exhibit and associated structures, Dayton, Ohio, the boundaries of which shall be agreed to between the Secretary and Educational and National Arts, Inc.

(D) Hawthorn Hill, Oakwood, Ohio.

(E) The Paul Laurence Dunbar home and associated structures, Dayton, Ohio, the boundaries of which shall be agreed to between the Secretary and the State of Ohio.

(2) The map described in paragraph (1)(A) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADDITIONS.—In consultation with the Commission, the Secretary may make additions to the park, including noncontiguous sites, to advance the purposes for which the park is established.

SEC. 102. WRIGHT-DUNBAR NATIONAL HISTORIC PRESERVATION DISTRICT.

(a) ESTABLISHMENT.—There is established in Dayton, Ohio, the Wright-Dunbar National Historic Preservation District.

(b) ADMINISTRATION.—The preservation district shall be administered by the Commission.

(c) AREA INCLUDED.—The preservation district shall consist of the lands bounded as follows: Edwin C. Moses Boulevard and Wright/Dunbar Gateway Park to the east; the first alley north of West Second Street west to the railroad tracks, thence along the railroad tracks to Paul Laurence Dunbar Street; thence along the east side of Paul Laurence Dunbar Street to Wolf Creek; thence west along Wolf Creek; thence south along a line consistent with the western edge of Grace A. Greene School to Edison Street; thence east along Edison Street to Euclid Avenue; thence south along Euclid Avenue to the first alley south of Third Street; thence east along the first alley south of Third Street to the railroad tracks; thence southeasterly along the railroad tracks to West Fifth Street; thence east along West Fifth Street to Shannon Street; thence following the boundary of the Inner West Five Points Urban Renewal Area boundary to Edwin C. Moses Boulevard.

(d) BOUNDARY ADJUSTMENTS.—In consultation with the Secretary, the Commission may make minor changes in the boundaries of the preservation district, which shall take effect upon publication in the Federal Register.

SEC. 103. PROTECTION OF HISTORIC PROPERTIES.

(a) ACQUISITION OF PROPERTIES WITHIN THE PARK.—(1) Within the boundaries of the park the Secretary—

(A) shall acquire the Wright Cycle Company and Hoover Block; and

(B) may acquire any other site, structure, property, or interest therein, as necessary or appropriate to carry out this Act.

(2) The Secretary may acquire property by donation, purchase with donated or appropriated funds, exchange, transfer, or an exercise of the right of first refusal established by subsection (b).

(3) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)

(b) RIGHT OF FIRST REFUSAL.—(1) The Secretary may exercise a right of first refusal in the acquisition of the property described in section 101(b)(1)(D).

(2) If any owner of the property described in section 101(b)(1)(D) intends to transfer an interest in the property by direct and exclusive sale except by gift or donation, the owner shall notify the Secretary in writing of that intention.

(3) The Secretary shall have 120 days after notification in which to exercise a right of first refusal to match any bona fide offer to obtain that interest under the same terms and conditions as are contained in the offer.

(4) If the Secretary has not exercised the right of first refusal within 120 days, the owner may transfer the interest, and the new owner shall be subject to this section.

(c) PARTNERSHIPS AND COOPERATIVE AGREEMENTS.—The Secretary may create "partnerships" by entering into cooperative agreements with other Federal agencies, State, and local public bodies and private interests relating to planning, development, use, management, programming, and interpretation of properties in the park in order to contribute to the use and management of those properties in a manner that is compatible with the purpose of the park.

(d) RESTORATION OF PROPERTIES.—Notwithstanding any other law, the Secretary may restore and rehabilitate property in the park pursuant to "partnerships" and cooperative agreements without regard to whether title to the property is in the United States.

SEC. 104. PARK GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—(1) Not later than 3 years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to Congress a general management plan for the park that—

(A) contains information described in section 12(b) Public Law 91-383 (16 U.S.C. 1a-7(b)); and

(B) takes into account the preservation and development plan developed under section 202.

(2) The general management plan and development concept plans shall be prepared with adequate public involvement and in consultation with Aviation Trail, Inc., Educational and Musical Arts, Inc., the Ohio Historical Society, and the Commander of Wright-Patterson Air Force Base concerning matters that may affect their properties.

(b) IDENTIFICATION OF ADDITIONAL SITES.—The general management plan shall identify additional sites for inclusion in the park, taking into consideration—

(1) the sites listed in Appendix A, entitled "Aviation-Related Sites in Dayton Evaluated by the National Park Service", of the document entitled "Study of Alternatives, Dayton's Aviation Heritage—Ohio", issued by the National Park Service, April 1991; and

(2) the property specified on the index prepared by the Commission under section 105(g).

(c) PARK PARTNERSHIPS.—The general management plan shall identify and describe potential "partnerships" between the Secretary and other Federal, State, and local governments and the private sector for the management of properties within the park.

(d) REVISIONS.—(1) After consulting with the Commission and the city manager of Dayton, Ohio, the Secretary may make revisions in the general management plan by publication of the revisions in the Federal Register.

(2) A revision made under paragraph (1) shall take effect after 90 days after the date on which written notice of the revision is submitted to Congress.

SEC. 105. HEADQUARTERS AND VISITORS' CENTER, INTERPRETIVE CENTER, AND MEMORIAL.

(a) IN GENERAL.—The headquarters of the park and a visitors' center shall be located in the core parcel described in section 101(b)(1)(A), and an interpretive center shall be constructed in the vicinity of Wright Brothers Hill or Huffman Prairie Flying Field.

(b) MEMORIAL.—The Secretary shall consider constructing a memorial at McCook Field in partnership with the city of Dayton, Ohio.

SEC. 106. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—The Secretary, in consultation with the Commission, shall administer the park in accordance with the law applicable to the National Park System.

(b) EMERGENCY ASSISTANCE.—The Secretary shall take any action that the Secretary deems to be necessary to provide owners of property of national historical or cultural significance in the park or preservation district, and owners of the Hoover Block, the Setzer building, and the Wright Cycle Company, with emergency assistance for the purpose of preserving and protecting their property in a manner that is consistent with the purpose of this Act.

(b) DONATIONS.—Notwithstanding any other law, the Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities and from public entities for the purpose of implementing the general management plan for the park.

(c) PROGRAMS.—The Secretary may sponsor or coordinate within the park and preservation district such educational or cultural programs as the Secretary considers to be appropriate to encourage the appreciation by the public of the resources of the park and preservation district.

(d) LEASES.—The Secretary may acquire such leases with respect to property in the park as may be necessary to carry out the purposes of this Act.

TITLE II—DAYTON HISTORIC PRESERVATION COMMISSION

SEC. 201. DAYTON HISTORIC PRESERVATION COMMISSION.

(a) ESTABLISHMENT.—(1) There is established the Dayton Historic Preservation Commission.

(b) ADMINISTRATION OF PROPERTIES.—The Commission shall, in addition to performing its other duties under this Act, administer (with the consent of their owners) properties, sites, and artifacts not owned by the United States or the State of Ohio that are inside or outside the park or preservation district and are associated with events or people involved with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(b) PURPOSES.—The purposes of the Commission are—

(1) to administer the preservation district, to enhance and protect areas that have a direct effect on the operation of the park; and

(2) to assist in the protection, promotion, and management of historical resources in the Miami Valley associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(c) MEMBERSHIP.—The Commission shall consist of 17 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least 1 of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least 1 of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 4 members appointed by the Secretary from recommendations submitted by the city commission of Dayton, Ohio, at least 1 of whom shall reside in or near the preservation district.

(5) 1 member appointed by the Secretary from recommendations submitted by the city council of Oakwood, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of Montgomery County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of Greene County, Ohio.

(8) 1 member appointed by the Secretary from recommendations submitted by the board of commissioners of the city of Fairborn, Ohio.

(9) 1 member appointed by the Secretary of Housing and Urban Development.

(10) 1 member appointed by the Secretary of Transportation.

(d) TERMS.—(1)(A) Except as provided in paragraph (2), members of the Commission shall be appointed for terms of 2 years.

(B) A member may be reappointed only 3 times, unless the member was originally appointed to fill a vacancy pursuant to subsection (f)(1), in which case the member may be reappointed 4 times.

(2) Of the members first appointed to the Commission, the following shall be appointed for terms of 3 years:

(A) The members appointed pursuant to subsection (b) (1), (6), (9), and (10).

(B) 1 of the members appointed pursuant to subsection (b)(4), as designated at the time of appointment by the Secretary upon the recommendation of the board of commissioners of the city of Dayton, Ohio.

(C) 2 of the members appointed pursuant to subsection (b)(2), as designated at the time of appointment by the Secretary upon the recommendation of the Governor of the State of Ohio.

(3) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsection (c) (1), (2), (4), (5), (6), (7), and (8).

(e) CHAIR AND VICE CHAIR.—(1) The chair and vice chair of the Commission shall be elected by the members of the Commission and shall serve a term of 2 years.

(2) The vice chair shall serve as chair in the absence of the chair.

(f) VACANCY.—(1) A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and in the case of a member appointed under subsection (c) (2), (4), (5), (6), (7), or (8), within 30 days after the Secretary receives a recommendation.

(2) A member of the Commission appointed to fill a vacancy shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) A member of the Commission may serve after the expiration of the member's term until a successor has taken office.

(g) QUORUM.—A majority of the Commission serving at any time shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—The Commission shall meet not less than 4 times a year at the call of the chair or a majority of its members.

(i) PAY.—(1) Except as provided in paragraph (3), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(j) TERMINATION.—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORICAL RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

(a) IN GENERAL.—(1) Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan.

(2)(A) Not later than 90 days after the receipt of the preservation and development plan, the Secretary shall approve the plan or return it with comments to the Commission.

(B) If the Secretary does not return the preservation and development plan by the 90th day after receipt, the Secretary shall be deemed to have approved the plan.

(3) Review of the preservation and development plan by the Secretary shall be based on compliance with this Act and the law generally applicable to the preservation district.

(4) The preservation and development plan shall include specific preservation and interpretation goals and a priority timetable for their achievement.

(5) After a preservation and development plan is approved, the Secretary shall submit the plan to Congress.

(b) CONTENTS OF PLAN.—The preservation and development plan shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the historical resources in the Miami Valley related to the Wright brothers, the history of aviation, and Paul Laurence Dunbar;

(2) identify properties that should be preserved, restored, managed, developed, maintained, or acquired within the park, preservation district, and Miami Valley;

(3) describe the manner in which the Commission intends to implement the grant and loan programs under section 204;

(4) include a tentative 5-year budget;

(5) propose a management strategy for a permanent organizational structure to enhance and coordinate aviation-related historical resources, properties, and institutions in the Miami Valley;

(6) recommend methods for establishing "partnerships" with State and local governments and the private sector to foster development and to preserve and enhance the historical and cultural resources in the park and preservation district;

(7) provide for transportation links, including pedestrian facilities and bicycle trails among historic aviation sites in the park, preservation district, and the Miami Valley, including an interurban between the preservation district and the historical resources at Wright-Patterson Air Force Base;

(8) address the use of private vehicles, traffic patterns, parking, and public transportation; and

(9) provide for educational and cultural programs to encourage appreciation of the resources of the park and preservation district.

(c) CONSULTATION.—In developing the preservation in development plan, the Commission shall consult with—

(1) appropriate officials of any local government or Federal or State agency that has jurisdiction over historic aviation resources in the Miami Valley; and

(2) business, historical, professional, neighborhood, and citizen organizations.

(d) STANDARDS AND CRITERIA.—The Commission shall, with the advice of the Secretary and appropriate local governments, establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of historic properties in the park, preservation district, and Miami Valley.

(e) EXCHANGE OF INFORMATION.—The Commission shall exchange information with Federal agencies, the State of Ohio and political subdivisions thereof, educational institutions, volunteer associations, and private businesses to assist those entities in undertaking activities to preserve, protect, enhance, and utilize the historic, recreational, and cultural aviation resources of the Dayton area.

(f) INDEX OF PROPERTY.—Not later than 18 months after the date on which the Commission conducts its first meeting, the Commission shall establish an index that—

(1)(A) lists properties in the park and preservation district of national historical or cultural significance; and

(B) lists properties in the Miami Valley of national historical or cultural significance that are related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar; and

(2) contains documentary evidence of the historical or cultural significance of the properties that are listed.

(g) FUNDS FOR COMMISSION BEFORE APPROVAL OF PLAN.—Before a preservation and development plan is approved, the Secretary may make available to the Commission such funds as the Commission may request to carry out any activity authorized by this section.

SEC. 203. FUNDS.

(a) AVAILABILITY OF FUNDS FOR COMMISSION.—The Secretary shall make available to the Commission any funds appropriated under section 305 for the purpose of carrying out its responsibilities.

(b) WITHHOLDING OF FUNDS.—(1) The Commission may refuse to obligate or expend any money within any political subdivision appropriated for the purposes described in section 203 if the Commission determines that the government of that subdivision has failed to adopt, by statute or regulation, standards and criteria that are consistent with those established pursuant to section 202(f) within 1 year after the date those standards and criteria have been established.

(2) The Commission may extend the 1-year period described in paragraph (1) for not more than 6 months if the Commission determines that the subdivision has made a good faith effort to adopt the required standards and criteria.

SEC. 204. LOANS, GRANTS, AND TECHNICAL ASSISTANCE.

(a) LOANS.—Out of amounts appropriated, donated, or otherwise made available to the Commission, the Commission may make a loan to any corporation chartered under the laws of the State of Ohio to enable the corporation to provide low interest loans for the preservation, restoration, or development of any property located in the park or preservation district or listed on the index prepared pursuant to section 202(f).

(b) PARTNERSHIP GRANTS.—(1) Out of amounts appropriated, donated, or otherwise made available to the Commission, the Commission may make a grant to an owner of property located in the park or the preserva-

tion district or listed on the index prepared pursuant to section 202(f) for the preservation, restoration, management, development, or maintenance of the property in a manner that is consistent with standards and criteria established pursuant to section 202(d).

(2) To the fullest extent possible, a grant under paragraph (1) shall be leveraged with additional funds from State and local governments and the private sector.

(c) HISTORICAL AND CULTURAL PROGRAMS.—(1) The Commission may carry out, through its staff or by grants to any person or public or private entity, historical, educational, and cultural programs that encourage or enhance appreciation of the historical resources in the Miami Valley related to the Wright brothers, aviation, and the life and works of Paul Laurence Dunbar.

(2) Programs carried out under paragraph (1) may include programs for—

(A) recording, collecting, and presenting to the public, through exhibits and educational programs, oral histories of people associated with historic structures in the Miami Valley, including McCook Field and Wright Field;

(B) educating school children and the general public in the Miami Valley and in the Nation at large; and

(C) conducting archaeological digs at historic sites, including the Wright family house and McCook Field, to contribute to exhibits and programs for the public.

(d) TECHNICAL ASSISTANCE.—The Commission may provide technical assistance to an owner of property located within the park or preservation district or listed on the index prepared pursuant to section 202(f) or any other person or public or private entity taking action that is consistent with the purposes of this Act.

SEC. 205. ACQUISITION AND DISPOSITION OF PROPERTY.

(a) ACQUISITION OF HISTORICAL PROPERTY.—The Commission may acquire any property pursuant to section 105 that is deemed worthy of acquisition by donation or by purchase with donated or appropriated funds.

(b) DISPOSITION OF ACQUIRED PROPERTY.—The Commission may sell or lease any property that it acquires subject to such deed restrictions and other conditions as the Commission deems to be appropriate to carry out this Act.

(c) ACQUISITION IN GENERAL.—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties.

(2) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(d) TRANSFER UPON TERMINATION OF COMMISSION.—Upon the termination of the Commission, all assets, liabilities, duties, personal and real property, and unexpended funds shall be transferred to the Secretary.

SEC. 206. GENERAL POWERS OF THE COMMISSION.

(a) HEARING.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem to be advisable.

(b) DONATIONS.—Notwithstanding any other law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) USES OF ACQUIRED ASSETS.—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

SEC. 207. STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

(b) ADDITIONAL PERSONNEL.—(1) The Commission may appoint and fix the pay of such personnel in addition to the Director as the Commission deems to be necessary.

(2) Commission staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) TEMPORARY SERVICES.—Subject to such rules as the Commission may adopt, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) DETAIL.—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist it in carrying out its duties under this Act.

(e) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) STATE SERVICES.—The Commission may accept the services of personnel detailed from the State of Ohio or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The director and staff of the Commission may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS–15 of the General Schedule.

TITLE III—GENERAL PROVISIONS

SEC. 301. EASEMENTS.

The Secretary may acquire—

(1) easements within the park and preservation district for the purpose of carrying out this Act; and

(2) easements for an interurban or bicycle and pedestrian transportation links between sites within the park and preservation district.

SEC. 302. COOPERATION OF FEDERAL AGENCIES.

(a) IN GENERAL.—A Federal agency that conducts or supports an activity that may directly affect the park or preservation district shall—

(1) consult with, cooperate with, and, to the maximum extent practicable, coordinate the activity with the Secretary and the Commission; and

(2) conduct or support the activity in a manner that—

(A) to the maximum extent practicable, is consistent with the standards and criteria established pursuant to section 105(e); and

(B) will not have an adverse effect on the resources of the park or preservation district.

(b) LIMITATION.—A Federal agency shall not issue a license or permit to any person to conduct an activity within the park or preservation district unless the agency first determines that the proposed activity will be conducted in a manner that is consistent with the standards and criteria established pursuant to section 202(d) and will not have an adverse effect on the resources of the park or preservation district.

SEC. 303. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—(1) In case of a disagreement between the Secretary of the Interior and the Secretary of Defense concerning implementation of this Act as it applies to properties under the control of the Secretary of Defense, the Secretary of Defense shall prevail.

(2) In any case in which the Secretary of Defense objects to an action of the Secretary of the Interior implementing this Act, the Secretary of Defense shall detail in writing the reasons for the objection.

(b) WAIVER.—In time of war, the Secretary of Defense may waive for the duration of the war any provision of this Act as it applies to properties under the jurisdiction of the Secretary of Defense.

SEC. 304. ASSISTANCE.

(a) IN GENERAL.—(1) The Secretary may enter into a "partnership" or agreement with an owner of property of national historical or cultural significance within the park or preservation district to provide for exhibits or programs.

(2) An agreement under paragraph (1) shall provide, when it is appropriate, that—

(A) the public may have access to the property at specified reasonable times for purposes of viewing the property or the exhibits or attending the programs established by the Secretary under this subsection; and

(B) the Secretary may make such improvements to the property as the Secretary deems to be necessary after consultation with the Commission to enhance the public use and enjoyment of the property, exhibits, and programs.

(b) TECHNICAL ASSISTANCE.—The Secretary may provide to an owner of property within the park or preservation district, and to the organizations listed in subsection (d), such technical assistance as the Secretary considers to be appropriate to carry out this Act.

(c) TRANSPORTATION.—(1) The Secretary may enter into an agreement to provide for appropriate transportation facilities, including an interurban between the preservation district and the historical resources at Wright-Patterson Air Force Base, pedestrian facilities, and bicycle paths, to link sites within the park and preservation district.

(2) The Secretary may provide interpretive services in connection with transportation facilities described in paragraph (1).

(d) ORGANIZATIONS.—(1) The Secretary may establish a "partnership" or enter into an agreement with an organization that con-

ducts activities consistent with the purposes of this Act.

(2) In a partnership established or agreement entered into pursuant to paragraph (1), the Secretary may permit the organization to assist in the interpretation, protection, and management of the park or otherwise assist in carrying out the purposes of this Act.

(3) The Secretary may offer appropriate encouragement to an organization with which the Secretary has established a partnership or entered into an agreement to locate its offices and conduct activities within the park.

(4) Among the organizations with which the Secretary may enter in an agreement with under paragraph (1) are—

(A) Air Force Museum Foundation, Dayton, Ohio;

(B) Aviation Hall of Fame, Dayton, Ohio;

(C) Aviation Trail, Inc., Dayton, Ohio;

(D) Carillon Historical Park, Dayton, Ohio;

(E) Paul Laurence Dunbar Association, Dayton, Ohio;

(F) Paul Laurence Dunbar Home State Memorial, Dayton, Ohio, a unit of the Ohio Historical Society;

(G) Dave Gold Parachute Museum, Dayton, Ohio;

(H) Greene County Historical Society, Xenia, Ohio;

(I) Huffman Prairie League, Inc., Fairborn, Ohio;

(J) Innerwest Priority Board, Dayton, Ohio;

(K) Innotech, Dayton, Ohio;

(L) International Women's Air and Space Museum, Inc., Centerville, Ohio;

(M) Kettering-Moraine Museum and Historical Society, Kettering, Ohio;

(N) Miami Conservancy District, Dayton, Ohio;

(O) Montgomery County Historical Society, Dayton, Ohio;

(P) National Afro-American Museum and Cultural Center, Wilberforce, Ohio, a unit of the Ohio Historical Society;

(Q) Ohio Historical Society, Columbus, Ohio, with respect to the Paul Laurence Dunbar home;

(R) Mack Ross Chapter, Tuskegee Airmen Association, Dayton, Ohio;

(S) 2003 Fund Committee; Dayton, Ohio;

(T) United States Air and Trade Show, Dayton, Ohio;

(U) United States Air Force Museum, Wright-Patterson Air Force Base, Ohio;

(V) Wright "B" Flyer, Dayton, Ohio; and

(W) Wright State University, Fairborn, Ohio.

(e) INTERPRETIVE MATERIALS.—The Secretary may publish interpretative materials for historical aviation resources in the Miami Valley.

(f) RECOGNITION.—The Secretary shall recognize Aviation Trail, Inc., for its leadership role in the preservation of the historical aviation resources in Dayton, Ohio.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

DAYTON AVIATION HERITAGE NATIONAL HISTORIC PRESERVATION ACT OF 1991—SUMMARY OF MAJOR PROVISIONS

Establishes the Dayton Aviation Heritage National Historical Park, a unit of the National Park Service, to preserve and interpret properties in Dayton and the Miami Valley which are associated with the inventioin and early development of aviation, or with the life and works of Paul Laurence Dunbar.

Designates five noncontiguous sites in the Dayton area as part of the Dayton Aviation Heritage National Historical Park. The National Park Service would not be required to own or operate most of the properties within the designated sites. The bill authorizes and encourages the Park Service to form partnerships with the current owners which can continue to operate and maintain the sites. Partnerships will be determined in later agreements between the park and the property owners. The five sites are:

1. A core parcel in Dayton consisting of the buildings along the two block stretch of West Third Street between Broadway Street and Shannon Street, and including the Wright Cycle Company building, Hoover Block, Daniel Fitch house, Ed Sines house, Wright family house site, and Orville Wright's laboratory site. The exact boundaries would be determined by a map drawn by the National Park Service and agreed to by Congress. (estimated acreage: 10)

2. Huffman Prairie and Wright Brothers Hill on Wright-Patterson Air Force Base. The exact boundaries would be agreed to by the Secretary of the Air Force and the Secretary of the Interior. (estimated acreage: 102)

3. The Wright 1905 Flyer at Carillon Park, Dayton. The exact boundaries would be agreed to by the Secretary of the Interior and Education and Arts, Inc. (estimated acreage: 1)

4. Hawthorn Hill, 901 Harman Avenue, Oakwood. (estimated acreage: 4)

5. The Paul Laurence Dunbar house, 219 North Paul Laurence Dunbar Street. The exact boundaries would be agreed to by the Secretary of the Interior and the Ohio Historical Society. (estimated acreage: 1)

Establishes the Wright-Dunbar Historic Preservation District in Dayton's West Side. The boundaries are identical to the Wright-Dunbar Village identified by the City of Dayton.

Requires the National Park Service to buy, restore, and maintain the building which housed the Wright Brothers Cycle Company at 22 South Williams Street and the Hoover Block, a building at 1060 West Third Street which housed the Wright brothers' printing shop. The National Park Service is authorized to buy other properties within the park boundaries.

Allows the National Park Service 120 days to exercise the right of first refusal if Hawthorn Hill is sold.

Authorizes the National Park Service to enter into agreements with federal, state or local governments or private organizations to carry out any function permitted under the Act.

Authorizes the National Park Service to restore properties that it does not own.

Calls for a General Management Plan, a 3-year study to determine the direction and needs of the park. Public participation is required in the preparation of the study, and the National Park Service must consult with the owners of the National Historic Landmarks which are incorporated in the park.

Requires the headquarters and visitors center of the park be located in the core West Dayton parcel. Also requires the construction of an interpretive center at Wright-Patterson Air Force Base.

Establishes the Dayton Historic Preservation Commission. The purposes of the Commission are 1) to administer the preservation district in support of the park and 2) to enhance and preserve historic resources in the Dayton area associated with the Wright brothers, the history of aviation, and Paul Laurence Dunbar. Terms are two years, but some initial terms are three years to create staggered terms. Members serve without pay. The Commission may hire staff and function with the powers of a federal agency. The Commission ends after the year 2003. The Commission has the authority to:

1. Operate loan and grants programs for revitalization of the preservation district. Grants are to be matching with state or local government or private funds.

2. Offer technical assistance to owners of historic properties in the Dayton area.

3. Offer grants or conduct historical and cultural programs that benefit the park.

4. Own or maintain property within the preservation district, or historic property outside the preservation district.

The Commission is composed of 17 representatives including:

1 appointed by the Secretary of Defense.

1 appointed by the Secretary of Housing and Urban Development.

1 appointed by the Secretary of Transportation.

14 appointed by the Secretary of the Interior as follows:

3 from recommendations made by the governor of the State of Ohio.

4 from recommendations made by the Dayton City Commission.

1 from recommendations made by the Oakwood City Commission.

1 from recommendations made by the Fairborn City Commission.

1 from recommendations made by the Board of Commissioners of Montgomery County.

1 from recommendations made by the Board of Commissioners of Greene County.

3 national experts not based on local recommendations.

Requires the Commission to conduct an 18-month plan that sets priorities, goals, and timetables for the Commission's operations, including planning for an interurban, bicycle paths, and other transportation links between the park units. The plan also sets standards for development within the preservation district and some properties outside. The plan also calls for an index of historic sites in the Dayton area.

Gives the Secretary of Defense the authority in the case of disputes between Wright-Patterson Air Force Base and the park.

Authorizes the Park Service to make emergency repairs to property.

Authorizes the Park Service to contract for transportation services between the park units and to provide interpretive services in connection with transportation services.

Authorizes the Park Service to work with local organizations centered around aviation or Paul Laurence Dunbar. Those organizations are encouraged to establish offices and carry out activities within the park.

Authorizes the Park Service to publish interpretive materials.

Estimated Costs Associated With National Park Bill

Capital Costs[1]	
Purchase by the National Park Service of Wright Brothers Cycle Shop, 22 South Williams Street	$125,000
Source: Aviation Trail, Inc.	
This covers reimbursement to Aviation trail for its costs toward the building's purchase and rehabilitation.	
Rehabilitation of Wright Brothers Cycle Shop	115,000

Source: National Park Service Management Alternative Study and Aviation Trail, Inc.	
This includes finishing the upstairs and outside of the building and landscaping.	
Purchase by the National Park Service of Hoover Block	50,000
Source: Aviation Trail, Inc.	
This is Aviation Trail's purchase price.	
Rehabilitation of Hoover Block, 1060 West Third Street	2,250,000
Source: National Park Service Management Alternative Study, April 1991	
This is based on a plan by Gaede, Serne, Zofcin and Associates of Cleveland. The plan calls for an interpretive center, a recreation of the Wright brothers print shop that existed in the building, offices, a display area, and an elevator.	
Plaza development between the two buildings	720,000
Source: National Park Service Management Alternative Study, April 1991	
Enhancement of Huffman Prairie Flying Field/Wright Memorial	1,235,000
Source: National Park Service Management Alternative Study, April 1991	
This is based on a plan developed by Wright-Patterson Air Force Base which calls for an interpretive center, displays, restrooms, landscaping, and the relocation of the Base's firing range.	
Rehabilitation and development of Dunbar House, 219 North Paul Laurence Dunbar Street	750,000
Source: Ohio Historical Society	
This is based on a plan developed by the Ohio Historical Society, which calls for the development of an interpretive center, library, and educational center within buildings adjacent to the Dunbar House and owned by the State of Ohio.	
Improvements to Wright Hall at Carillon Historical Park housing 1905 Wright Flyer	250,000
Source: National Park Service Management Alternative Study, April 1991	
This is for the expansion of the building's exhibit area, the improvement of the climatizing system, and the addition of a restroom to make the building accessible during the whole year.	
Total Capital Costs[2]	5,495,000
Annual Operations and Maintenance:[3]	
Operation and maintenance of the Wright Cycle Shop and the Hoover Block	$370,770
Source: National Park Service Management Alternative Study, April 1991	
Administrative costs associated with operating the Commission	600,000
Source: Informal estimate based on the annual operating budget of the Lowell Historic Preservation Commission	
Total Annual Operating and Maintenance	$970,770
Studies:	
General Management Plan for the park	250,000
Source: Informal estimate based on general costs to the Park Service for General Management Plans	
Preservation Study by the Commission	150,000
Source: Informal estimate based on costs of other similar studies	
Total Studies	$400,000

[1] Subject to modification by the park's General Management

[2] Funds for the rehabilitation of the Dunbar house and improvements to Wright Hall are not required under the legislation, but will be requested. The required capital funding is $4,495,000.

[3] It is possible, but unlikely, that the General Management Plan would identify additional operations and maintenance costs beyond those associated with these two buildings. It is expected that the operations and maintenance costs of the other structures in the park would remain the responsibilities of the current owners.

ESTIMATED ACREAGE INCLUDED IN PARK

Core parcel, 10 acres.
Huffman Prairie Flying Field, 85 acres.
Wright Brothers Memorial, 27 acres.
Dunbar House, 1 acre.
Hawthorn Hill, 4 acres.
Wright Flyer III, 1 acre.
Total estimated acres, 128 acres.

By Mr. SIMON:

S. 1065. A bill to authorize the Secretary of Transportation to carry out a rail-highway crossing program to improve highway and rail traffic safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL AND HIGHWAY TRAFFIC SAFETY PROGRAM OF 1991

• Mr. SIMON. Mr. President, I rise today to introduce legislation which I feel will go a long way toward promoting a national high speed rail system while actually reversing the recent increase in fatal and disabling traffic accidents at rail-highway crossings. The High-Speed Rail and Highway Traffic Safety Program of 1991 will give States and communities a green light so that they can seriously consider intercity and commuter high-speed rail opportunities as part of their surface transportation options. I know that the number of plans for high-speed rail service now on the drawing board is growing, and this bill should go a long way toward bringing many of these plans to reality.

My proposal would not be possible without the splendid work of the Senate Environment and Public Works Committee under the visionary leadership of Senators MOYNIHAN and BURDICK. For the first time, the members of that committee have introduced a surface transportation bill that will be not only reshape the Interstate Highway Program, but will bring transit and rail squarely back to their rightful place in the definition of surface transportation and infrastructure. Under the committee's Surface Transportation Efficiency Act, transportation becomes part of the solution to national problems in energy dependence, air pollution, personal mobility, and city and community conservation, not part of the problem. My bill is intended to further these key objectives.

I also owe a special thanks to Senator GRAHAM whose guidance and interest in this legislation and in high-speed rail has provided and added dimension to a long awaited process for bringing high-speed rail to the Nation, and I intend to continue to work with him and other members of the Senate Environment and Public Works Committee in shaping a final bill.

Groups promoting higher speed rail service agree that grade separations are essential for trains traveling over 100 miles per hour, and should be part of the Surface Transportation Efficiency Act of 1991. Before upgrading Amtrak service to 125 miles per hour on the publicly owned North East Corridor, all level crossings except 7 were eliminated. But outside the Northeast Corridor many other high-speed trains are also planned for existing rail rights-of-way. Now, thanks to broader choices in high-speed rail technologies such as the American Meglev, the French TGV, the tilt trains, and the dual-mode turbine locomotive, there are many options for trains that will perform well over much of 130,000 miles of railroads across the Nation.

We have a grade crossing safety program now, section 130 of title 23, funded out of the highway trust fund. This program has already been successful in improving the safety of approximately 30,000 level crossings with either improved signal systems or grade separations. The 1988 Annual Report on Highway Safety credited this program with preventing an estimated 5,000 fatalities and 20,000 injuries since 1974. This represented 50 percent fewer accidents and 40 to 45 percent fewer deaths and injuries.

Unfortuntely, that safety record is now turning around for a number of reasons. Since 1980, after railroad deregulation, railroads have trimmed many of their branchlines and concentrated traffic on those long lines that remain. At the same time track and rail bed improvements on the mainlines mean that speeds are increasing.

In 1989, the Federal Highway Administration and the Federal Railroad Administration found that out of the

14,000 grade crossings on routes used by Amtrak, 6,000 have automatic gates, and another 2,000 are equipped with flashing light signals. But over 50 percent of the level crossing accidents occur while these are activated and 10 percent when motorists drive around a lowered gate, particularly when the gate is down longer than is normal. Last year, four young men were killed in Lockport, IL, by an Amtrak train traveling less than 80 mph. This is the same route the State of Illinois and the Midwest High-Speed Rail Compact have identified as having the best potential for high-speed rail service in Illinois and near the top in potential in the Midwest—Chicago-St. Louis. Such incidents will continue to be repeated throughout the Nation where roads run at the same grade as active railroads unless we act now.

My bill is not intended to replace the current rail safety legislation which I strongly support. The existing Federal Highway-Rail Crossing Program works well and should be continued as a specific funded category. Substantial additional effort and investment are required to maintain and to continue improving grade crossing safety in urban and rural areas throughout the country.

My bill is a separate demonstration program which is specifically designed to open the way to meet the growing demand for better passenger train service throughout the Nation. Rail travel can then become a prominent part of our surface transportation and infrastructure choices more in line with the Japanese and European models.

Like section 130, the High Speed Rail and Highway Traffic Safety Program would be financed out of the highway trust fund. Included in the program is $5 million for fiscal year 1992 for State planning in consultation with local communities and private railroads with a matching ratio of 100 percent and $300 million a year for fiscal years 1993, 1994, 1995, and 1996 at a 90 percent match. This should provide enough funds for grade separations and other safety improvements in 8 to 10 rail corridors selected by the Secretary of Transportation.

This program is intended to promote a number of public purposes: First, to ensure the safety of traffic crossing future high-speed rail lines; second, encourage development of a safer, less polluting, energy efficient transportation system; third, provide a convenient form of travel for all citizens including seniors, persons with disabilities, and those who do not own or drive an automobile; fourth, provide transportation services to places where people live now; fifth, reduce airport and highway congestion; and sixth, augment, not replace other safety and rail development programs.

I am urging my colleagues to join me in cosponsoring this bill. This program will not only place future high-speed rail systems within the reach of Americans throughout the Nation, but it will protect that most precious commodity: The lives of our citizens as well.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 1066. A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1992 and 1993, and for other purposes; to the Committee on Armed Services.

MILITARY APPROPRIATIONS FOR FISCAL YEARS 1992 AND 1993

● Mr. NUNN. Mr. President. By request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference a bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1992 and 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 1066

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1992/1993".

TABLE OF CONTENTS

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

(1) $1,667,700,000 for fiscal year 1992.

(2) $1,247,400,000 for fiscal year 1993.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

(1) $1,106,700,000 for fiscal year 1992.

(2) $1,341,900,000 for fiscal year 1993.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

(1) $839,100,000 for fiscal year 1992.
(2) $574,300,000 for fiscal year 1993.

(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:
(1) $1,249,800,000 for fiscal year 1992.
(2) $1,195,400,000 for fiscal year 1993.

(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Army as follows:
(1) $3,163,800,000 for fiscal year 1992.
(2) $3,254,400,000 for fiscal year 1993.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:
(1) $7,231,800,000 for fiscal year 1992.
(2) $6,953,200,000 for fiscal year 1993.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:
(1) $4,581,300,000 for fiscal year 1992.
(2) $4,754,600,000 for fiscal year 1993.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:
(1) $8,647,200,000 for fiscal year 1992.
(2) $8,297,900,000 for fiscal year 1993.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:
(1) $6,471,200,000 for fiscal year 1992.
(2) $6,520,900,000 for fiscal year 1993.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:
(1) $1,039,400,000 for fiscal year 1992.
(2) $650,900,000 for fiscal year 1993.

SEC. 103. AIR FORCE.

(e) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:
(1) $10,915,500,000 for fiscal year 1992.
(2) $13,456,800,000 for fiscal year 1993.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:
(1) $5,841,800,000 for fiscal year 1992.
(2) $6,776,800,000 for fiscal year 1993.

(c) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:
(1) $8,058,100,000 for fiscal year 1992.
(2) $8,868,700,000 for fiscal year 1993.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies as follows:
(1) $2,111,600,000 for fiscal year 1992.
(2) $2,201,000,000 for fiscal year 1993.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1992 procurement for the Inspector General of the Department of Defense in the amount of $300,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) as follows:
(1) $474,800,000 for fiscal year 1992.
(2) $626,600,000 for fiscal year 1993.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $6,236,400,000.
(2) For the Navy, $8,198,600,000.
(3) For the Air Force, $15,154,600,000.
(4) For the Defense Agencies, $10,333,000,000, of which—
(i) $286,300,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $14,200,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $5,867,300,000.
(2) For the Navy, $9,488,000,000.
(3) For the Air Force, $15,184,600,000.
(4) For the Defense Agencies, $10,494,100,000, of which—
(i) $298,000,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
(ii) $14,700,000 is authorized for the Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
(1) For the Army, $21,886,800,000.
(2) For the Navy, $23,679,200,000.
(3) For the Marine Corps, $1,894,600,000.
(4) For the Air Force, $20,351,900,000.
(5) For the Defense Agencies, $8,794,800,000.
(6) For the Army Reserve, $937,200,000.
(7) For the Naval Reserve, $816,100,000.
(8) For the Marine Corps Reserve, $75,900,000.
(9) For the Air Force Reserve, $1,075,400,000.
(10) For the Army National Guard, $2,080,700,000.
(11) For the Air National Guard, $2,287,800,000.
(12) For the National Board for the Promotion of Rifle Practice, $5,000,000.
(13) For the Defense Inspector General, $115,900,000.
(14) For Drug Interdiction and Counterdrug Activities, Defense, $1,158,600,000.
(15) For the Court of Military Appeals, $5,500,000.
(16) For Environmental Restoration Defense, $1,252,900,000.
(17) For Humanitarian Assistance, $13,000,000.

(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
(1) For the Army, $19,936,500,000.
(2) For the Navy, $23,922,800,000.
(3) For the Marine Corps, $1,739,800,000.
(4) For the Air Force, $20,760,400,000.
(5) For the Defense Agencies, $7,583,200,000.
(6) For the Army Reserve, $973,100,000.
(7) For the Naval Reserve, $797,000,000.
(8) For the Marine Corps Reserve, $75,400,000.
(9) For the Air Force Reserve, $1,232,500,000.
(10) For the Army National Guard, $2,083,700,000.
(11) For the Air National Guard, $2,700,900,000.
(12) For the National Board for the Promotion of Rifle Practice, $5,000,000, to be utilized as prescribed by the provisions of section 4313 of title 10, United States Code becoming effective on October 1, 1992.
(13) For the Defense Inspector General, $116,700,000.
(14) For Drug Interdiction and Counterdrug Activities Defense, $1,249,400,000.
(15) For the Court of Military Appeals, $5,900,000.
(16) For Environmental Restoration Defense, $1,450,200,000.
(17) For Humanitarian Assistance, $13,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1992.—Funds are hereby authorized to be appropriated for fiscal year 1992 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:
(1) For the Defense Business Operations Fund, $3,400,200,000.

(b) FISCAL YEAR 1993.—Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:
(1) For the Defense Business Operations Fund, $2,273,200,000.
(2) For the Pentagon Reservation Maintenance Revolving Fund, $63,300,000.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1992 AND 1993

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1992.—The armed forces are authorized strengths for active duty personnel as of September 30, 1992, as follows:
(1) The Army, 660,200.
(2) The Navy, 551,400.
(3) The Marine Corps, 188,000.
(4) The Air Force, 486,800.

(b) FISCAL YEAR 1993.—The armed forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:
(1) The Army, 618,200.
(2) The Navy, 536,000.
(3) The Marine Corps, 182,200.
(4) The Air Force, 458,100.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1992.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1992, as follows:
(1) The Army National Guard of the United States, 410,900.
(2) The Army Reserve, 282,700.
(3) The Naval Reserve, 134,600.
(4) The Marine Corps Reserve, 40,900.
(5) The Air National Guard of the United States, 118,100.
(6) The Air Force Reserve, 81,200.
(7) The Coast Guard Reserve, 15,150.

(b) FISCAL YEAR 1993.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 366,300.
(2) The Army Reserve, 254,500.
(3) The Naval Reserve, 127,100.
(4) The Marine Corps Reserve, 38,900.
(5) The Air National Guard of the United States, 119,400.
(6) The Air Force Reserve, 82,400.
(7) The Coast Guard Reserve, 15,150.

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1992.—Within the end strengths prescribed in section 402(a), the reserve components of the Armed Forces are authorized, as of September 30, 1992, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,341.
(2) The Army Reserve, 12,683.
(3) The Naval Reserve, 22,045.
(4) The Marine Corps Reserve, 2,170.
(5) The Air National Guard of the United States, 9,081.
(6) The Air Force Reserve, 643.

(b) FISCAL YEAR 1993.—Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 21,580.
(2) The Army Reserve, 12,003.
(3) The Naval Reserve, 21,113.
(4) The Marine Corps Reserve, 2,130.
(5) The Air National Guard of the United States, 9,072.
(6) The Air Force Reserve, 618.

SEC. 404. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1991, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	279	14
E–8	2,585	429	800	74

(b) OFFICERS.—Effective on October 1, 1991, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	3,219	1,071	575	110
Lieutenant colonel or commander	1,524	520	595	75
Colonel or Navy captain	372	188	227	25

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1992.—For fiscal year 1992, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 68,106.
(2) The Navy, 60,100.
(3) The Marine Corps, 21,193.
(4) The Air Force, 28,847.
(5) The Army National Guard of the United States, 14,626.
(6) The Army Reserve, 13,597.
(7) The Naval Reserve, 2,336.
(8) The Marine Corps Reserve, 3,514.
(9) The Air National Guard of the United States, 2,769.
(10) The Air Force Reserve, 1,663.

(b) FISCAL YEAR 1993.—For fiscal year 1993, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 66,580.
(2) The Navy, 59,370.
(3) The Marine Corps, 20,718.
(4) The Air Force, 28,474.
(5) The Army National Guard of the United States, 14,468.
(6) The Army Reserve, 13,095.
(7) The Naval Reserve, 2,476.
(8) The Marine Corps Reserve, 3,710.
(9) The Air National Guard of the United States, 2,771.
(10) The Air Force Reserve, 1,698.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

TITLE V—GENERAL PROVISIONS

SEC. 501. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.

SEC. 502. REPEAL OF REQUIREMENT FOR AUTHORIZATION OF CIVILIAN PERSONNEL BY END STRENGTH

Subsections (a)(4) and (b)(4) of section 115(b)(2) of title 10, United States Code, are repealed.

SEC. 503. REPEAL OF CEILING ON EMPLOYEES IN HEADQUARTERS AND NON-MANAGEMENT HEADQUARTERS AND SUPPORT ACTIVITIES

Section 194 of title 10, United States Code, is repealed.

SEC. 504. REVISED TRANSMITTAL FOR ANNUAL OUTLAY REPORT

Section 5(i)(1) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–180; 103 Stat. 1364) is amended by striking "December 15 of each year thereafter" and inserting in lieu thereof "the date the President's budget is transmitted to Congress".

SEC. 505. DEFENSE BUSINESS OPERATIONS FUND AMENDMENTS TO SECTION 2208 OF TITLE 10, UNITED STATES CODE

Section 2208 of title 10, United States Code, is amended—

(a)(1) by amending subsection (a) by striking out all that follows "the Secretary of Defense" and inserting in lieu thereof the following: "shall establish a Defense Business Operations Fund in the Department of Defense to finance operations within or among Departments and Agencies of the Department of Defense as he may designate, including, but not limited to:

"(1) financing and furnishing of inventories of supplies; and

"(2) performance of industrial, commercial, and support type activities."; and

(2) by amending subsection (b) to read as follows:

"(b) There is established on the books of the Treasury a Fund entitled the "Defense Business Operations Fund" (hereinafter referred to in this section as the "Fund".";

(3) by amending subsection (c) to read as follows:

"(c) The Fund shall be charged, when appropriate, with the cost of—

(1) all operating costs;

(2) all capital costs, except that construction costs may not be incurred except to the extent and in the manner provided for in annual military construction authorization and appropriations Acts;

including applicable administrative expenses.";

(4) by amending subsection (d) to read as follows:

"(d) The Fund shall be reimbursed from available appropriations of the Department of Defense or otherwise credited for those costs, including applicable administrative expenses and all operating costs and the cost of depreciating and amortizing capital.";

(5) by amending subsection (e) to read as follows:

"(e) The Secretary of Defense may provide capital for the Fund by capitalizing inventories. In addition,

"(1) the Fund is authorized to acquire capital assets, including the construction of facilities, subject to the limitation on construction specified in subsection (c)(2) of this section; and

"(2) such amounts may be appropriated for the purpose of providing capital for the Fund as have been specifically authorized by law.";

(6) by amending subsection (f) by striking out "industrial-type or commercial-type activities for which working-capital funds may be established under this section" and inserting "the Fund" in place thereof;

(7) by amending subsection (g) to read as follows:

"(g) Supplies returned to the Fund may be charged to the Fund in accordance with regulations prescribed by the Secretary of Defense.";

(8) by amending subsection (h)—

(a) by striking out "activities and use of inventories authorized by this section" and inserting "the Fund" in place thereof in the first sentence; and

(b) by striking out "Working capital funds" in the fourth sentence and inserting "The Fund" in place thereof;

(9) by amending subsection (i)(1) by striking out "a working capital funded Department of the Army arsenal"; and inserting "a Department of the Army arsenal financed by the Fund" in place thereof; and

(10) by repealing subsection (j) and redesignating subsection (k) as subsection (j) and by

amending subsection (j) as so redesignated by striking out "of working capital funds" and inserting "the Fund" in place thereof.

(b) CLERICAL AMENDMENT.

(1) The heading of section 2208 of title 10, United States Code, is amended by striking out "working-capital funds" and inserting "Defense business operations fund" in lieu thereof.

(2) The item relating to such section in the table of sections at the beginning of chapter 131 of such title is revised to conform to the amendment made by subsection (b)(1).

(c) EFFECTIVE DATE.—The amendments made by this section become effective on October 1, 1991 or on the date of enactment of this Act whichever occured later.

(d) TRANSITION PROVISIONS.—

(a) Upon the effective date of this section all assets and balances of working capital funds established pursuant to the provisions of section 2208 of title 10, United States Code, as in effect immediately prior to the effective date of this section shall be transferred to the Defense Business Operations Fund established by the amendments made to section 2208 of such title by subsection (a) of this section.

(B) During fiscal year 1992, the construction cost provisions of section 2208(c) of title 10, United States Code, as amended by this section, shall apply only to construction costs exceeding the amount specified in section 2805(c)(1) of title 10, United States Code.

SEC. 506. ESTABLISHMENT OF LEASE REPLACEMENT FUND, DEFENSE.

(a) Chapter 131 of title 10, United States Code, is amended by inserting after section 2217 the following new section:

"§ 2218. Lease Replacement Fund, Defense

"(a) There is established on the books of the Treasury the "Lease Replacement Fund, Defense.

"(b) The Fund shall be available for the rehabilitation, construction, and renovation of property and facilities owned by the Department of Defense which are determined to be suitable, available, or needed for utilization by the Department as replacement facilities for facilities being leased by, or on behalf of, the Department of Defense.

"(c) Upon a determination by the Secretary of Defense that funds are required to facilitate the purpose of subsection (b), such funds may be transferred to appropriations available to the Department of Defense designated by the Secretary. If all or part of the funds so transferred are not needed for the purposes for which they were transferred, those funds may be transferred back to the Fund.

"(d) Appropriations available to the Department of Defense for leases which are replaced by utilization of property and facilities rehabilitated, constructed, or renovated with funds in, or derived from, the Fund shall be deposited to the Fund in such amounts and under such terms and conditions as the Secretary may determine to be necessary to reimburse the Fund for expenses incurred by, or with funds derived from, the Fund.

"(e) Appropriations made to the Fund and amounts deposited to the fund under subsection (d) shall remain available until expended.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2217 the following new item:

"2218. Lease replacement fund, defense.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Lease Replacement Fund for fiscal year 1992 in the amount of $50,000,000 and for fiscal year 1993 in the amount of $25,000,000.

SEC. 507. REPEAL OF FISCAL YEAR 1991 V-22 AIRCRAFT PROGRAM PROVISIONS.

Section 152 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1505) is repealed.

SEC. 508. REPEAL OF REQUIREMENT FOR STATUTORY GUIDELINES FOR FUTURE REDUCTIONS OF CIVILIAN EMPLOYEES OF INDUSTRIAL-TYPE OR COMMERCIAL-TYPE ACTIVITIES.

Section 1597 of title 10, United States Code, is repealed.

SEC. 509. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES

(a) USE OF PRINCIPAL PLACE OF RESIDENCE.—Section 403a(d) of title 37, United States Code, is amended by adding a new subparagraph (d)(4):

"(d)(4)(A) For the purpose of determining the amount authorized to be paid in the case of a retired member or a member of a reserve component of the uniformed services described in subparagraph (4)(B), who is otherwise entitled to a variable housing allowance under section 403a of title 37, United States Code, the member shall be considered as assigned to duty at the member's principal place of residence, determined as prescribed by the Secretary of Defense.

"(B) A retired member of a uniformed service ordered to active duty under section 688 of title 10, United States Code, or a member of a reserve component of the uniformed services serving on active duty under a call or order to active duty (other than for training), is a member who is performing duty away from the member's principal place of residence, determined as prescribed by the Secretary, and

"(i) has not been authorized transportation of household goods from his principal place of residence to the place at which serving on active duty, and

"(ii) if serving on active duty on the last day of a fiscal year would be accountable under section 115(b)(1)(A)(i) or (ii) of title 10, United States Code.".

SEC. 510. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS.

Section 303a of title 37, United States Code is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting the following new subsection (c):

"(c)(1) A health care officer who,

(A) is a reserve on active duty other than for training under a call or order to active duty for a period of at least 31 days but less than one year; or

(B) is involuntarily retained on active duty under section 673c of title 10 or is recalled to active duty under section 688 of that title for a period of at least 31 days; or

(C) voluntarily agrees to remain on active duty for less than one year at a time during which any officers are involuntarily retained on active duty under section 673c of title 10 or in case of other special circumstances as determined under regulations prescribed by the Secretary of Defense—

is eligible for the applicable special pay under section 302, 302a, 302b, 302e, or 303 of this title, notwithstanding any requirement in those sections that

(A) the call or order of the officer to active duty be for a period of not less than one year; or

(B) the officer execute a written agreement to remain on active duty for a period not less than one year.

(2) Special pay payable to an officer under paragraph (1) of subsection (a) may be made on a monthly basis. The officer shall refund any amount received in excess of the amount that corresponds to the actual period of active duty that the officer served.

(3) A reserve medical officer in receipt of special pay under section 302 of this title under paragraph (1), is not entitled to special pay under subsection (h) of section 302.".

SEC. 511. GRADE IN WHICH RETIRED OFFICERS ARE ORDERED TO ACTIVE DUTY

Section 688 of title 10, United States Code, is amended as follows:

(a)(1) by redesignating subsection (b) as paragraph (2); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) A retired member ordered to active duty under this section, who serves on active duty pursuant to such order in a grade that is higher than his retired grade, shall be advanced on the retired list upon his release from that duty, to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, and if that grade is higher than his retired grade, such service must be for a minimum of three years total active service in the higher grade. The President may waive the three-year requirement in individual cases involving extreme hardship or exceptional or unusual circumstances.".

(b) By amending subsection (d)(1) of such section striking out "in his retired grade" and inserting in lieu thereof "in the higher of his retired grade or the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned".

SEC. 512. INTELLIGENCE MANPOWER REDUCTIONS

Paragraph (1) of subsection (b) of section 907 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1622) is amended to read as follows:

"(b) PERSONNEL REDUCTIONS.—(1) The number of personnel assigned or detailed to the National Foreign Intelligence Program (NFIP) and related Tactical Intelligence and Related Activities (TIARA) programs, as described in paragraph (2), shall be adjusted in accordance with actions taken by the Secretary of Defense, together with the Director of Central Intelligence, under paragraphs (1) through (5) of subsection (a). Such adjustments shall be specifically identified in the budget submissions for NFIP and TIARA programs for each Fiscal Year from 1992 through 1996.".

SEC. 513. EXTENSION OF VARIOUS EXPIRING LAWS (1991)

(a) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

(b) SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1993".

SEC. 514. EXTENSION OF VARIOUS EXPIRING LAWS (1992)

(a) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 699; 10 U.S.C. 3360 note), as amended, is

amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(b) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(c) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(d) AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.—Section 5721(f) of title 10, United States Code, is hereby repealed.

(e) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) ACCESSION BONUS FOR REGISTERED NURSES.—

(1) Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(2) Section 2130a(a) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(g) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(h) SPECIAL PAY FOR REENLISTMENT BONUSES.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(i) SPECIAL PAY FOR ENLISTMENT BONUS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(j) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 515. GENERAL COUNSELS OF THE MILITARY DEPARTMENTS

(1) AUTHORIZING THE SECRETARIES OF THE MILITARY DEPARTMENTS TO ASSIGN POWERS, FUNCTIONS, AND DUTIES TO THE GENERAL COUNSELS OF THE MILITARY DEPARTMENTS.—Sections 3013(f), 5013(f), and 8013(f) of title 10, United States Code, are amended by inserting "and the General Counsel" after "Assistant Secretaries".

(2) AUTHORIZING THE GENERAL COUNSELS OF THE MILITARY DEPARTMENTS TEMPORARILY TO PERFORM THE DUTIES OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.—Sections 3017, 5017, and 8017 of title 10, United States Code, are amended by inserting "and the General Counsel" after "Assistant Secretaries".

(3) IDENTIFYING THE GENERAL COUNSELS AS THE CHIEF LEGAL OFFICERS OF THE MILITARY DEPARTMENTS.—Sections 3019(b), 5019(b), and 8019(b) of title 10, United States Code, are amended by inserting "is the chief legal officer of the Department and" after "Counsel".

(4) ESTABLISHING THE MILITARY DEPARTMENTS' GENERAL COUNSEL POSITIONS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—(a) Section 5315 of title 5, United States Code, is amended by inserting at the end thereof the following new paragraphs:

"General Counsel of the Department of the Air Force;

General Counsel of the Department of the Army;

General Counsel of the Department of the Navy.".

(b) Section 5316 of title 5, United States Code, is amended by striking out the following paragraphs:

"General Counsel of the Department of the Air Force.

General Counsel of the Department of the Army.

General Counsel of the Department of the Navy.".

(5) TECHNICAL AMENDMENT TO DEFENSE AUTHORIZATION ACT.—Subsection 703(b) of Public Law 100-456 is repealed and the amendments made by this Act are effective upon enactment.

SEC. 516. ESTABLISHMENT OF DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

(1) Chapter 4 of title 10, United States Code, is amended (a) by adding after section 134 the following new section 134a:

"§ 134a. Deputy Under Secretary of Defense for Policy

"(a) There is a Deputy Under Secretary of Defense for Policy appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. The Deputy Under Secretary of Defense for Policy shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled."; and

(b) the table of sections at the beginning of chapter 134 is amended by inserting after the item for section 134 the following:

"134a. Deputy Under Secretary of Defense for Policy.".

(2) Section 5315 of title 5, United States Code, is amended by inserting in the list of positions at level IV of the Executive Schedule after the item relating to the Deputy Director for Supply Reduction, Office of National Drug Control Policy, the following: "Deputy Under Secretary of Defense for Policy.".●

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, April 30, 1991.

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

DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal years 1992 and 1993 for military personnel levels for fiscal years 1992 and 1993, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 102nd Congress and is needed to carry out the President's fiscal years 1992 and 1993 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the Military Departments and Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993. Title III also includes authorization of appropriations for the purpose of providing capital for working-capital and revolving funds of the Department of Defense in amounts equal to the budget authority included in the President's budget for fiscal years 1992 and 1993.

Title IV prescribes the personnel strengths for the active forces and the Selected Reserve component of each service in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal years 1992 and 1993. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, title IV provides for the average military training student loads in the numbers provided for this purpose in the President's budget for fiscal years 1992 and 1993.

Title V consists of sixteen general provisions. Section 501 repeals the provisions of section 114(e) of title 10, United States Code, requiring a separate budget request for the procurement of Reserve equipment. Section 502 repeals the provisions of section 115(b)(2) of title 10, United States Code, requiring the authorization of an end strength for civilian personnel of the Department of Defense. Section 503 repeals the provisions of section 194 of title 10, United States Code, on the number of personnel who may be assigned to management and non-management headquarters support activites.

Section 504 revises the requirement contained in section 5 of the National Defense Authorization Act for fiscal years 1990 and 1991 for the submission of a joint annual outlay report by the Director of the Office of Management and Budget and the Director of the Congressional Budget Office. Instead of submission of the report on December 5 of each year, the proposal would require the report with the President's budget submission.

Section 505 amends the provisions of section 2208 of title 10, United States Code, pertaining to working capital funds of the Department of Defense to provide for a single working capital fund to be known as the Defense Business Operations Fund.

Section 506 amends chapter 131 of title 10, United States Code by adding a new section, 2218, providing for the establishment of the "Lease Replacement Fund, Defense." Section 507 repeals section 152 of the National Defense Authorization Act for Fiscal Year 1991 which contains funding and program provisions concerning the V-22 Aircraft Program. Section 508 repeals section 1597 of title 10, United States Code, which was added by section 322 of the National Defense Authorization Act for fiscal year 1991 and which imposes a statutory requirement for the development of guidelines for future reductions of civilian employees of industrial-type or commercial-type activities.

Section 509 allows a reservist called to active duty for other than training to use his or her home of record in determining the rate of variable housing allowance. Section

510 makes medical, dental, and nonphysician special pays available to reserve, recalled, or retained health care officers even though they serve less than one year. Section 511 authorizes retired officers to be recalled in the highest grade previously held on active duty and to be advanced to that grade (with three years time in service) on the retired list upon release from active duty.

Section 512 amends the FY 1991 National Defense Authorization Act to eliminate the specific arithmetic goal for intelligence manpower reductions. Sections 513 and 514 are extensions of various laws that expire in fiscal years 1991 and 1992, respectively. Section 515 would identify the General Counsels of the Military Departments as the chief legal officers of their respective departments, clarify their relationships with the respective Judge Advocate Generals of the Military Services, and make them eligible to perform duties of the Department Secretaries in appropriate circumstances. The section also would move the General Consels of the Military Departments from Level V to Level IV of the Executive Schedule. Section 516 would authorize a new Deputy Under Secretary of Defense for Policy.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

TERRENCE O'DONNELL.

By Mr. LAUTENBERG:

S. 1067. A bill to amend the Urban Mass Transportation Act of 1964 to provide for grants and loans to private nonprofit corporations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons; to the Committee on Banking, Housing, and Urban Affairs.

ELDERLY AND HANDICAPPED TRANSPORTATION IMPROVEMENT ACT

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Elderly and Handicapped Transportation Improvement Act to address one of the most pressing problems confronting our Nation's senior and disabled citizens. That problem, Mr. President, is a lack of transportation services. Seniors are becoming more and more isolated from transportation services and lack mobility to get to health care and other essential services. The 60 and older population will increase by 32 percent in less than 20 years and those over 85 will increase nearly 90 percent. In a recent Gallup poll, 61 percent of seniors said transportation is a serious problem in obtaining medical care.

Mr. President, we currently have a Federal program whose mission is to meet the transporation needs of our Nation's senior citizens and disabled persons. The Urban Mass Transit Administration administers the section 16(B)(2) program which provides funds to nonprofit organizations to purchase vehicles to provide transportation services to seniors and the disabled. This program has enabled nonprofit organizations to make accessible essential health and social services not otherwise available through traditional public transportation systems. Our Nation's nonprofit organizations are the core limbs in the service delivery system for these populations. Adequate transportation services are critical to providing these services to all senior citizens that need them.

There is now growing evidence, however, that our nonprofit organizations do not have the resources to provide vital transportation services to our senior citizens and the disabled. In my State of New Jersey, over 50 percent of all nonprofit organizations that applied for vehicles under the section 16(B)(2) program were denied because of a lack of funding. A recent survey of all section 16(B)(2) administrators showed an additional $30 million is needed to meet the needs of senior citizens.

The authorization level for the 16(B)(2) program has been capped at $35 million over the last 5 years. As chairman of the Transportation Appropriations Subcommittee, I have fought hard to ensure that this program, which serves the special transportation needs of the handicapped, as well as senior citizens, was funded at the highest possible level authorized, $35 million, but this level is inadequate. The Elderly and Handicapped Transportation Improvement Act of 1991 will not only provide more funding for vehicles for nonprofit organizations. It will also provide funds for startup and operational costs for nonprofits with transportation programs.

Mr. President, it is becoming increasingly more expensive for nonprofit organizations to operate special vehicles for senior citizens and handicapped Americans. A recent report on the section 16(B)(2) program done by the Community Transportation Association of America showed that the operating budget of the the average section 16(B)(2) provider was $83,372. The costs of insurance, maintenance, personnel and other operations are increasing much faster than the rate of inflation. These costs are threatening the very purpose of the section 16(B)(2) program. In New Jersey and in other States, nonprofit organizations have had to stop transportation services because of the exploding costs of insurance and other operating costs. Some New Jersey nonprofits indicate that their insurance costs have tripled in the last 3 years.

Most nonprofit organizations in New Jersey provide free service for rides for senior citizens to receive health care. There is increasing pressure, however, for them to charge seniors for these essential services due to lack of resources. Medical care is expensive enough for our Nation's senior citizens. We shouldn't compound the financial problems seniors face in obtaining affordable, quality health care.

Mr. President, we need to reverse course. We should be providing more transportation services to the ever growing senior population, not reduced services. My legislation would double the authorization level for the section 16(B)(2) program in fiscal year 1992 and would increase this level of funding by $5 million each year until fiscal year 1996 to keep up with the growing needs for these services. The bill also contains a provision that will allow section 16(B)(2) funds to be used for startup costs and other operational costs. These funds will be targeted to nonprofit organizations to help them establish elderly and handicapped transportation programs in areas where they are not currently available. These funds will also be available to needy nonprofit organizations who currently provide transportation services but are on the verge of discontinuing these vital services because of increasing operational costs.

Mr. President, this year the Congress will reauthorize the Older Americans Act which provides $1.3 billion in fiscal year 1991 for health, nutrition, employment, training and legal services to our Nation's seniors. What good are these services if our neediest senior citizens can't receive them because they lack necessary transportation? I hope my colleagues will join me in this effort to provide transportation to our Nation's seniors and disabled so that they receive the services they need. This bill is supported by the AARP, National Committee to Preserve Social Security, National Council of Senior Citizens, and the National Association of State Units on Aging. I ask unanimous consent that copies of these letters of support and the full text of this bill be included in the RECORD.

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

S. 1067

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 "Elderly and Handicapped Transportation Improvement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the population of the United States that is 60 years of age and older will increase by 32 percent within the next 20 years;

(2) the population of the United States that is 85 years of age and older will increase by 88 percent in the next 20 years;

(3) senior citizens are becoming increasingly isolated from transportation services;

(4) a majority of senior citizens view the lack of transportation as a serious problem in obtaining medical care; and

(5) nonprofit social services organizations that provide services to elderly and handicapped persons are facing increasing insurance, maintenance, and operating costs.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the authorization of appropriations for the existing program providing mass transportation services for elderly and handicapped persons; and

(2) to provide grants and loans to nonprofit organizations and associations to be used to pay operating expenses related to new and existing mass transportation services for elderly and handicapped persons.

SEC. 3. OPERATING EXPENSES GRANTS FOR NEW AND EXISTING TRANSPORTATION PROGRAMS FOR THE ELDERLY AND HANDICAPPED.

(a) IN GENERAL.—Section 16(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1612(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(b)";

(3) by striking "and" at the end of subparagraph (A), as redesignated;

(4) in subparagraph (B), as redesignated—

(A) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(B) by striking the period at the end and all that follows through the end of subsection (b), and inserting the following: "; and

"(C) to private nonprofit corporations and associations to be used by such corporations and associations for the specific purpose of paying operating expenses related to new and existing transportation services meeting the special needs of elderly and handicapped persons.

"(2) Recipients of grants or loans under paragraph (1) shall coordinate transportation services provided in accordance with this section with other local transportation services designed to meet the special needs of elderly and handicapped persons, including those assisted under this Act, for the purpose of preventing duplication of such efforts.

"(3) Nothing in subparagraph (B) shall be construed to prohibit the leasing of vehicles purchased in accordance with subparagraph (B) to local public bodies or agencies for the purpose of improving transportation services designed to meet the special needs of elderly and handicapped persons.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21(g) of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1617(g)) is amended by adding at the end the following:

"(3) From the funds made available under subsection (a)(2), there shall be set aside to carry out section 16(b)—

"(A) $70,000,000 for fiscal year 1992;

"(B) $75,000,000 for fiscal year 1993;

"(C) $80,000,000 for fiscal year 1994;

"(D) $85,000,000 for fiscal year 1995; and;

"(E) $90,000,000 for fiscal year 1996.".

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, May 9, 1991.

Hon. FRANK R. LAUTENBERG,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the American Association of Retired Persons (AARP) in support of your efforts to expand and improve the transportation program for the elderly and handicapped, Section 16(b)2.

During the next few years, three major changes will place enormous pressure on transportation providers to increase specialized services for older and disabled people. The first change is the rapid growth of the older population—especially among the oldest old who are most likely to require specialized transportation services. For example, in the two decades between 1990 and 2010, the number of people over the age of 85 will rise by 88 percent from 3.3 million to 6.1 million.

The second change is the increasing concentration of older people in low-density suburbs and rural areas where fixed route transit systems are absent or ill-suited to meeting their needs. If current trends continue, three-quarters of all older people will live in suburban or rural areas by the turn of the century.

The third change comes from the passage last year of the landmark Americans with Disabilities Act. That act requires the provision of a level of services for those who must depend on specialized transit "comparable" to that provided the users of fixed route transportation.

To meet the challenges presented by these changes will require more resources and better use of current resources. The Lautenberg bill would promote both of these aims by:

Doubling the authorized spending level of the Section 16(b)2 program to $70 million in FY 1992 and increasing the authority by $5 million a year for each of the next five years;

Authorizing funds to be used for operating subsidies as well as capital costs;

Improving the coordination of funding streams from various transportation programs; and

Improving coordination among providers of transportation services by permitting leasing arrangements.

Section 16(b)2 has been an unheralded success in providing transportation services for older and disabled people. The changes proposed in the Lautenberg bill would make very substantial improvements in this important program serving some of the nation's neediest citizens. Thank you for your leadership on this issue. If we can be of further assistance on this or any other issue, please do not hesitate to contact Don Redfoot of our Federal Affairs staff at 728–4830.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy Division.

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, DC, May 2, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: This is written in support of your proposed amendment to the Urban Mass Transit Act (UMTA) to increase transportation services for older and handicapped persons.

Your amendment expands UMTA Section 16(b) authority to include both operating costs and start-up expenses. It will also double the existing authorization level to $70 million and provide for $5 million incremental increases in years to come.

Transportation services are vital to the lives of both older persons and persons with handicaps. Public transit services have been declining across the nation. These new UMTA resources will relieve presures to utilize growing portions of Older Americans Act and Community and Social Service Block Grant funds to maintain minimal public transit services for older and handicapped persons.

We compliment you on your leadership in this area.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 13, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the 5 million members and supporters of the National Committee to Preserve Social Security and Medicare in support of your efforts to increase authorized funding for the Urban Mass Transit Administration's specialized transportation program for the elderly and handicapped.

This program has made an important contribution to the independence and well-being of senior citizens and the disabled. However, rapidly expanding populations and increasing costs are threatening the viability of the program. Increased appropriations are necessary to ensure that seniors and disabled have access to transportation to health care providers and other social service programs.

I applaud your leadership in seeking increased funding for this important program. If I can be of any further assistance, please feel free to contact me.

Sincerely,

MARTHA A. MCSTEEN,
President.

NATIONAL ASSOCIATION OF STATE UNITS ON AGING,
Washington, DC, May 1, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: The National Association of State Units on Aging commends you for your interest in improving mass transportation services for elderly and handicapped persons. We are supportive of your efforts to introduce legislation to achieve this goal. Attached is a copy of the Policy Statement on Reauthorization of Federal Transportation Legislation adopted by the NASUA Board of Directors at its March 1991 meeting.

Sincerely,

DANIEL A. QUIRK,
Executive Director.•

By Mr. WARNER (for himself and Mr. ROBB):

S. 1068. A bill to declare a portion of the Appomattox River, VA, to be not navigable water within the meaning of the Constitution and laws of the United States; to the Committee on Commerce, Science, and Transportation.

NONNAVIGABILITY OF THE APPOMATTOX RIVER, VA

• Mr. WARNER. Mr. President, I rise today to introduce legislation which would resolve a deadlock between Federal law and the responsibilities vested in a State political subdivision that is preventing the development of a 4.5-megawatt hydroelectric facility by the Appomattox River Water Authority at the Brasfield Dam on the Appomattox River near Petersburg, VA.

This legislation will affect only a small portion of the Appomattox River currently managed by the authority and will permit State and local agencies to determine the proper use of these valuable resources.

The authority is a nonprofit political subdivision created by the Virginia General Assembly in 1960 to supply

drinking water to three counties and two cities in Virginia: Chesterfield, Prince George and Dinnwiddie Counties and the cities of Petersburg and Colonial Heights. To fulfill that mandate, the authority built the Brasfield Dam on the Appomattox River in 1968 and manages the dam and its impoundment, Lake Chesdin, as the primary water source serving these five localities.

The authority first considered developing the hydroelectric potential of the Brasfield Dam in 1984, and in 1985, filed a license application with the Federal Energy Regulatory Commission [FERC] to construct and operate a 4.5-megawatt hydroelectric facility. On December 20, 1988, the Commission issued the authority a license to develop the project, provided that the authority complied with certain conditions controlling the management of the water supply. These conditions required the authority to implement the Commission regulations regarding the use, storage, and discharge of waters from the dam. In essence, the FERC license required the authority to relinquish control over its management of the drinking water supply, a responsibility that is vested in the authority by State law, as a condition for allowing the hydroelectric project to proceed.

In January 1989, the authority requested the Commission to reconsider those conditions, because the conditions would require it to surrender ultimate control over waterflows at the Brasfield Dam and other aspects of reservoir management, including recreational and shoreline development. On December 11, 1989, FERC denied the substance of that appeal, explaining that under the Federal Power Act, the Federal Government was authorized to exercise broad management control over the dam and impoundment, including drinking water supply operations, and that it would retain the authority to modify those operations as it saw fit. During 1990, the authority sought to structure a third party arrangement which would accommodate the Federal conditions and its own concerns, but such arrangement could not be developed, and the authority surrendered its license to the Commission in October 1990.

The legislation I am introducing today will correct the impasse created by the FERC determination that in order to develop the project, the authority must surrender to the FERC the water management responsibilities of Lake Chesdin that are vested in the authority by State law. The proposed legislation would exempt the hydroelectric project's location from the navigation servitude and thereby withdraw it from Federal licensing jurisdiction. After this exemption, the project will be regulated directly by State agencies, including the dam safety program administered by the Virginia Department of Soil and Water Conservation.

By enacting this legislation, we will permit this valuable energy resource to be developed. The proposed project would generate over 16,000,000 kilowatt hours annually which would be sold to Virginia Power for resale, and will provide backup power for the authority's water treatment operations during emergency conditions.

During the FERC licensing proceeding, no party opposed the project, and the issuance of the Federal license confirms that there is a public interest in developing the hydroelectric capability at this site. The federally issued license concluded that there is a need for additional generation and that the demand for electric power will continue to grow. This legislation will assist in meeting that growing demand through the use of a currently wasted hydroelectric site.

I must also mention that exempting this site from Federal jurisdiction is consistent with the President's recently proposed National Energy Strategy. That strategy proposes to exempt from Federal jurisdiction, non-Federal hydroelectric projects with less than 5 megawatts generation capacity because these projects raise local rather than Federal issues and have little or no impact on navigation or interstate commerce.

Mr. President, I believe this project is worthy of our support and hope this legislation will move swiftly to final passage.●

● Mr. ROBB. Mr. President, I rise today in support of a bill sponsored by the senior Senator from Virginia, Senator WARNER, to remove a roadblock to the construction of a small hydroelectric facility by the Appomattox River Water Authority, a nonprofit State-chartered water supply agency, located in Petersburg, VA.

The authority has proposed building a 4 megawatt hydroelectric facility at its existing Brasfield Dam, which was originally constructed by the authority to supply water to surrounding communities. Because the Appomattox River is a navigable water of the United States, the hydroelectric facility requires permits from a number of Federal agencies, including the Federal Energy Regulatory Commission [FERC]. The authority has already received a permit from the Army Corps of Engineers and a license from FERC. However, because the authority's charter says it must retain control over the Appomattox Reservoir, it has been impossible for the authority to accept the FERC license. FERC operating licenses require that FERC be given ultimate control over waterflows and other matters, control which the authority does not believe its charter allows it to cede.

The legislation Senator WARNER and I are introducing today would exempt the project from Federal jurisdiction. A number of similar exemptions have been signed into law over the last several decades. This year, in fact, the Congress is considering exempting from FERC jurisdiction all hydro facilities under 5 megawatts.

The Appomattox Authority is in a genuine bind: its charter fundamentally conflicts with the requirements of the FERC license. This bill helps resolve this conflict and allows an otherwise fully permitted and engineered renewable energy project to proceed. All State environmental laws and regulations will still apply. I urge the Senate to move swiftly to pass this legislation.●

By Mr. MITCHELL (for himself, Mr. BURDICK, Mr. MOYNIHAN, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. KASTEN):

S. 1069. A bill to assess and protect the quality of the Nation's lakes; to the Committee on Environment and Public Works.

LAKES ASSESSMENT AND PROTECTION ACT OF 1991

Mr. MITCHELL. Mr. President, today I am introducing legislation to protect one of the Nation's most important natural and recreational resources—our freshwater lakes.

I am pleased that Senator BURDICK chairman of the Environment and Public Works Committee, Senator BAUCUS, chairman of the Environmental Protection Subcommittee, and other Senators are joining me in introducing this legislation.

There are over 90,000 lakes throughout the country, covering some 40 million acres. These lakes are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife.

Lakes also provide a significant portion of the Nation's drinking water. Protecting the quality of lakes used for drinking water is a prudent investment in public health and can help avoid costly drinking water treatment.

Lakes are also one of our most important recreational resources. Millions of Americans have easy access to lakes. Lakes provide for a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation.

There is growing evidence of significant water quality problems in lakes. EPA estimates that 25 percent of our lakes are impaired by pollution and that an additional 20 percent are threatened by pollution.

Trends in lake water quality are difficult to determine because of the lack of monitoring data and inconsistencies in data. However, EPA reviewed monitoring data collected over a several-

year period and identified an increase of about 10 percent in lakes reported to be eutrophic or have high nutrient levels. The number of lakes reported in categories with lower nutrient and biological activity levels decreased by a corresponding amount.

The EPA reports that the single biggest water quality problem in lakes is excessive levels of nutrients. Nutrients are elements, primarily phosphorus and nitrogen, that promote plant and algae growth. Excessive nutrients may increase productivity of the lake to the point where algae blooms and aquatic vegetation impedes recreational activity and diminishes aesthetic value.

When algae and aquatic vegetation die at the end of their growing season, their decomposition consumes oxygen dissolved in the water. This oxygen depletion is harmful to fish and severe depletion can result in fish kills.

Siltation and turbidity are also major problems in lakes. Siltation can damage fish habitat, promote growth of aquatic vegetation, and adversely affect recreation.

While only about half the States currently monitor for toxic pollutants in lakes, about one-third of the lake acres monitored are affected by toxics. The most frequently reported toxic pollutants are PCB's, pesticides—including chlordane, atrazine, and alachlor, metals—including cadmium, lead, zinc, copper, silver and manganese, and mercury.

Toxic pollution has resulted in fishing bans or consumption advisories on many lakes. States report that over 2.8 million lake acres are affected by fish consumption advisories on bans.

Runoff from diffuse or "nonprofit" sources, such as agricultural lands, construction and mining sites, and urban areas is the single biggest source of lake pollution.

Other significant sources of lake impairment include hydrogen/habitat modification—33 percent of impaired lake acres, storm sewers, 28 percent; and disposal practices, 26 percent; and sewage discharges, 15 percent. Some pollution sources, such as combined sewer overflows, are a problem for a limited number of lakes, but have very significant impacts where they exist.

Lakes are one of the outstanding natural resources of my home State of Maine. Maine has 5,855 lakes and almost half are greater than 10 acres.

For over 100 years, Maine's lakes have been known far and wide for their exceptional quality and recreational value. A recent study by the University of Maine estimates that the economic value of inland fishing alone is between $300 and $494 million a year, a large portion of which is derived from lakes.

Maine lakes are also an important source of drinking water. Fifty-three lakes are the primary drinking water source for several of the largest cities in Maine. Portland, Bangor, Waterville, and Lewiston got drinking water from lakes. Maintaining the high quality of these drinking water supplies can help avoid the high costs of additional treatment to meet public health standards.

Fortunately, most of Maine's lakes are still clean and clear. Only about 50 lakes are known to have poor water quality. But sharp decline of some of Maine's most significant recreational lakes offers a clear example of how lake water quality can rapidly deteriorate with little warning.

The legislation I am introducing today builds on and strengthens the Clean Lakes Program established in section 314 of the Clean Water Act. This bill has several key provisions.

Research on lake pollution problems has lagged behind research on other types of waterbodies. The bill would amend the Clean Water Act to provide authority for research of lake processes, lake monitoring methods, special vulnerabilities of lakes, and control pollution problems common to lakes, such as nuisance vegetation.

A Lake Research Committee is established to assist the EPA Administrator in the design and implementation of the research program.

The bill provides a process to assure that lake water quality is protected by water quality standards to the same extent as water in rivers and streams.

EPA is to develop criteria for pollutants which are special problems in lakes. States will then designate uses for lakes and adopt water quality standards to assure that lakes are protected. EPA is to get standards where a State fails to do so.

The bill also expands the existing grant program from $30 to $50 million per year. The authorization for assessment and protection programs for specific lakes is increased and new authority for statewide lake protection efforts is provided.

The bill would also require the phaseout of phosphates in detergents. Phosphates in detergent products are a significant source of nutrients to lakes and other waterbodies.

Ten States currently have a total statewide ban on phosphates in detergents. Those bans have established a clear record of water pollution control success on major waterbodies, such as Chesapeake Bay. It is time to extend the simple and effective pollution control concept to the Nation as a whole.

Another important provision of the bill would focus existing agriculture land, management and grant assistance programs of the Department of Agriculture on watersheds of lakes which are found by States to have water quality problems. Programs covered by this provision include the Conservation Reserve Program, the Water Quality Incentives Program, and the Environmental Easement Program.

Finally, the bill would expand programs to control the spread of Eurasian Milfoil, an aquatic weed which clogs lakes. This plant severely impairs recreational uses of lakes.

Mr. President, I ask that a section by section description of the bill and the bill be printed at an appropriate place in the RECORD.

I look forward to working with my colleagues to develop the best possible legislation to protect lakes throughout the country.

Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

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

S. 1069

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

SHORT TITLE AND TABLE OF CONTENTS

SEC. 1(a). SHORT TITLE.—This Act may be cited as the "Lakes Assessment and Protection Act of 1991".

(b) TABLE OF CONTENTS.—

FINDINGS

SEC. 2. The Congress finds that—

(1) freshwater lakes throughout the Nation are a natural resource of outstanding value and importance, providing vital habitat for fish and wildlife;

(2) lakes provide a significant percent of the Nation's drinking water supply, making protection of lake water quality a prudent investment;

(3) lakes offer a wide range of recreational opportunities, including boating and fishing, and are an especially significant resource for swimming and related body contact recreation;

(4) lakes are especially vulnerable to water pollution because they trap and store pollutants to a greater degree than other waterbodies;

(5) the Environmental Protection Agency reports that 25% of lakes are impaired by pollution and that an additional 20% are threatened by pollution;

(6) many States report that water quality conditions in lakes have deteriorated in recent years and studies by the Environmental Protection Agency confirm this trend;

(7) the Environmental Protection Agency reports that the most significant and widespread lake water quality problem is excess nutrients which promote algal blooms and increase aquatic vegetation;

(8) excessive nutrients can diminish recreational and economic values of lakes and lower dissolved oxygen which is needed to support fish and other aquatic life;

(9) other water pollution problems in lakes include high turbidity and siltation, excessive acidity associated with acid rain, patho-

gens in sewage discharges, pesticides, organic chemicals, and metals;

(10) sources of lake water quality problems include discharges of sewage and industrial pollutants, nonpoint sources of pollution associated with urban development and agricultural activities, and natural conditions such as mineral intrusion; and

(11) existing efforts to protect the quality of lakes and control sources of pollution in lakes are not adequate and these efforts need to be expanded and strengthened.

LAKE QUALITY RESEARCH

SEC. 3. Section 104(h) of the Federal Water Pollution Control Act (33 U.S.C. 1254(h)) is amended to read as follows—

"(h) LAKE RESEARCH.—(1) In carrying out the provisions of subsection (a), the Administrator shall conduct a comprehensive research program concerning the Nation's lakes.

"(2) The research program provided for in this subsection shall, at a minimum—

"(A) develop improved methods for the monitoring and assessment of lake conditions and water quality;

"(B) improve knowledge of lake processes, including watershed assessments and recycling of pollutants from sediments to water;

"(C) investigate the nature and extent of variation in pollutant effects on lakes as opposed to other aquatic systems and characterize the degree to which lakes may be especially vulnerable to pollution;

"(D) identify and assess methods and practices to control sources of pollution to lakes, including watershed management techniques and practices; and

"(E) assess the threat to lake quality posed by aquatic vegetation and develop and demonstrate methods to control excessive vegetation in lakes and prevent the distribution of nuisance aquatic vegetation throughout the country.

"(3) In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations.

"(4) The Administrator shall appoint a Lake Research Advisory Committee to advise the Administrator on the design and implementation of the research program required by this subsection. The Committee shall be composed of not more than twelve members with substantial expertise and experience in lake research. Not more than three members of the Committee shall be employees of the Federal Government and not less than three members shall be employees of State environmental agencies. Committee members shall serve three year terms, except that the Administrator shall initially appoint four members to serve four year terms and four members to serve five year terms. Members may be reappointed to one additional term."

LAKE WATER QUALITY STANDARDS

SEC. 4. (a) LAKE DESIGNATIONS.—Section 314 of the Federal Water Pollution Control Act (33 USC 1324) is amended by adding at the end thereof the following:

"(e) LAKE USE DESIGNATIONS.—Within two years of the date of enactment of this subsection, each State shall designate the use of each publicly owned lake in such State consistent with the following uses—

"(1) public drinking water supply;

"(2) swimming and related body contact recreation; and

"(3) resource protection, to assure the protection and propagation of a balanced, indigenous population of fish and wildlife.".

(b) LAKE WATER QUALITY CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 USC 1314(a)) is amended by adding at the end thereof the following—

"(9) Within two years of the date of enactment of this paragraph and periodically thereafter, the Administrator shall publish pursuant to this subsection water quality criteria for the following and other water quality parameters including, at a minimum—

"(A) dissolved oxygen;

"(B) total phosphorus;

"(C) nitrogen;

"(D) chlorophyll *a*;

"(E) acidity; and

"(F) transparency.

Criteria documents published pursuant to this paragraph shall address the factors identified in paragraph (1) and shall identify numerical concentrations which, in the judgment of the Administrator, are appropriate to assure the maintenance and attainment of each use identified in section 314(e) of this Act.

"(10) Within two years from the date of enactment of this paragraph, the Administrator shall publish guidance to assist States in adoption of lake water quality standards for contaminants for which criteria documents have been published pursuant to this subsection. Such guidance shall supplement existing criteria where necessary to assure that States have adequate information to support adoption of numerical lake water quality standards for each such pollutant which will assure the attainment and maintenance of designated uses identified pursuant to subsection 314(e) of this Act.

"(11) After the date of enactment of this paragraph, any criteria document published pursuant to this subsection shall include such information as is appropriate to assist States in adoption of numerical lake water quality standards for each such pollutant which will assure the attainment and maintenance of the designated uses identified pursuant to subsection 314(e) of this Act.".

(c) LAKE WATER QUALITY STANDARDS.—Section 303 of the Federal Water Pollution Control Act (33 USC 1313) is amended by adding at the end thereof the following subsection:

"(i) LAKE WATER QUALITY STANDARDS.—(1) Each State shall, within two years of the date of publication of lake water quality criteria pursuant to paragraph 304(a) (9) and (11) or publication of lake water quality guidance pursuant to paragraph 304(a)(10), establish for each publicly owned lake in the State numerical standards for such water quality parameters which will assure the attainment and maintenance of designated uses identified pursuant to subsection 314(e) of the Act. The Administrator may waive the requirement to adopt a numerical standard for parameters listed pursuant to paragraph 304(a)(9) based on a showing that there is no impairment of lake water quality associated with such parameters in such State.

"(2) If a State fails to adopt lake water quality standards pursuant to paragraph (1) of this subsection, the Administrator shall, not later than the end of such two year period, establish standards for publicly owned lakes in such State which will assure the attainment and maintenance of designated uses established by the State or, in a case where a State has not designated lake uses, the uses which the Administrator, in consultation with the State, determines to be appropriate.".

LAKE WATER QUALITY PROGRAM SUPPORT

SEC. 5. (a) TECHNICAL REVISIONS.—(1) Subparagraphs (B), (C) and (D) of section 314(a)(1) of the Federal Water Pollution Control Act (33 USC 1324 (a)(1)) are repealed.

(2) Section 314(a)(3) of the Federal Water Pollution Control Act (33 USC 1324(a)(3)) is amended by striking all after "United States," and inserting in lieu thereof, a period.

(b) CLEAN LAKES PROGRAM SUPPORT.—Section 314(b) of the Federal Water Pollution Control Act (33 USC 1324 is amended to read as follows—

"(b) STATE CLEAN LAKES PROGRAM.—(1) States may submit to the Administrator an application for grant assistance to—

"(A) conduct projects to protect the quality of lakes through the State;

"(B) develop plans for control of pollution to a specific lake or group of lakes in the State;

"(C) implement plans developed pursuant to subparagraph (B).

"(2) Applications for grant assistance pursuant to subparagraph (A) shall be limited to statewide projects to improve public information and education concerning lake protection, to develop State or local requirements concerning lake protection including lake quality standards, and to develop lake assessment and monitoring information.

"(3) Applications for grant assistance pursuant to subparagraph (B) shall be limited to development of lake protection plans, including assessment of lake conditions, identification of pollution sources, and development of plans and programs for pollution control.

"(4) Grants pursuant to subparagraphs (A) and (B) shall be made on the condition that 25% of the program cost is provided from non-Federal sources. Grants pursuant to subparagraph (C) shall be made on the condition that 50% of the project cost is provided from non-Federal sources, provided that such contribution may be assessed beginning on the date of submittal of the application to the Administrator.

"(5)(A) In awarding grants pursuant to subparagraph (b)(1)(A) of this section, the Administrator shall give priority to proposals with the greatest potential to improve or protect lake water quality and to proposals which will support development of long-term sustained lake protection programs in a State.

"(B) In awarding grants pursuant to subparagraph (b)(1)(B) of this section and the Administrator shall give priority to—

"(i) lakes which are listed pursuant to subparagraph (a)(1)(B) of this section;

"(ii) lakes which are a source of public water supply; and

"(iii) projects which will develop an innovative pollution control method or practice with potential application to other lakes.

"(C) Grants pursuant to subparagraph (b)(1)(C) shall be limited to those lakes for which a control program has been developed pursuant to subparagraph (B).

"(6) A State which has not complied with the requirements of subsection (a) of this section for the most recent report period or section 303(i) of this Act shall not be eligible for grants pursuant to this subsection.

(c) AUTHORIZATION.—(1) Section 314(c) of the Federal Water Pollution Control Act (33 USC 1324(c)) is amended by striking paragraph (1) and striking "(2)" and inserting in lieu thereof "(1)".

(2) Section 314(c)(2) of the Federal Water Pollution Control Act (33 USC 1324(c)(2)) is amended by striking "and" following "1985,"; inserting after "1990" the following "and $50,000,000 for each of the fiscal years 1991 through 1996"; striking "subsection (b) of"; and striking the last sentence of the paragraph.

(3) Section 314(c) of the Federal Water Pollution Control Act (33 USC 1324(c)) is amended by adding at the end thereof the following—

"(2) For fiscal years 1991 through 1996, of the sums appropriated pursuant to this section, not more than 25% shall be reserved for grants pursuant to subparagraphs (b)(1) (A), (B), and (C) of this section and demonstration projects pursuant to subsection (d).

STATE REVOLVING LOAN FUND ELIGIBILITY

SEC. 6. (a) ELIGIBILITY.—(1) Section 601(a) of the Federal Water Pollution Control Act (33 USC 1381(a)) is amended by striking "and" following "section 319,"; by striking "." at the end thereof and inserting in lieu thereof the following ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b).".

(2) Section 603(c) of the Federal Water Pollution Control Act (33 USC 1383(c)) is amended by striking "and" following "section 319 of this Act,"; by striking "." at the end of the first sentence and inserting in lieu thereof the following ", and (4) for the implementation of lake protection programs and projects developed pursuant to section 314(b) of this Act.".

(b) TECHNICAL REVISION.—Amend section 606(c)(1) of the Federal Water Pollution Control Act (33 USC 1386(c)(1)) by adding "314," prior to "319".

DEMONSTRATION PROGRAM

SEC. 7. (a) PROGRAM REVISIONS.—Section 314(d)(1) of the Federal Water Pollution Control Act (33 USC 1324(d)(1)) is amended by inserting "and" at the end of subparagraph (C); striking ";" at the end of subparagraph (D) and inserting in lieu thereof "." and striking subparagraphs (E), (F) and (G).

(b) DEMONSTRATION PROJECTS.—Section 314(d)(2) of the Federal Water Pollution Control Act (33 USC 1324(d)(2)) is amended by inserting after "Sauk Lake, Minnesota;" the following "China Lake, Maine; Sebago Lake, Maine;".

(c) AUTHORIZATION.—Section 314(d) of the Federal Water Pollution Control Act (33 USC 1324(d)) is amended by striking paragraph (4).

NUTRIENT CONTROL INITIATIVE

SEC. 8. Title V of the Federal Water Pollution Control Act is amended by adding at the end thereof the following—

"NUTRIENT CONTROL

"SEC. 520(a) IN GENERAL.—The Administrator shall, within two years from the date of enactment of this section, issue regulations prohibiting the distribution for sale within the United States of detergents and related products containing phosphate.

"(b) REQUIREMENTS.—Regulations issued pursuant to this section shall, at a minimum—

"(1) establish a schedule for the phase-out of phosphate from detergents which is as expeditious as practicable, provided that such schedule requires, at a minimum, elimination of phosphate from detergents not later than five years from the date of enactment of this section;

"(2) establish limits on levels of chemical constituents in detergents which are adequate to assure that levels of any such constituents substituted for phosphate are not expected to prevent the attainment or maintenance of water quality standards;

"(3) allow for the sale and use of detergent products manufactured prior to the date of enactment of the section;

"(4) define the terms "detergent or related product", "containing phosphate", and "elimination of phosphate"; and

"(5) establish a process for the Administrator to provide an exemption to the requirements of this section for the manufacture of a specific quantity of detergent or related product to serve a commercial or industrial process for which no alternative to a detergent or a related product containing phosphate is available.

"(c) REPORT TO CONGRESS.—The Administrator shall provide a report to the Congress on the status of implementation of this section not later than three years from the date of enactment of this section.".

(b) CIVIL PENALTY.—Section 309(a)(3) of the Federal Water Pollution Control Act (33 USC 1319(a)(3)) is amended by striking "or 405" and inserting in lieu thereof "405, or 520".

AGRICULTURE PROGRAM COORDINATION

SEC. 9. (a) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of the Department of Agriculture shall work cooperatively to assure coordination of agriculture programs and lake protection programs.

(b) AGRICULTURAL CONSERVATION PROGRAM.—(1) Title 16 USC 590(g)(1) is amended by deleting "." at the end of the first sentence and inserting in lieu thereof the following—"; giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B))."

(2) Title 16 USC 590(h)(b), paragraph 4, is amended by adding after subparagraph (D) the following—

"; giving priority consideration to watersheds of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(c) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Title 16 USC 3838(c)(a) is amended by striking "or" after (7); striking "." after paragraph (8); and inserting in lieu thereof the following—

"; or (9) areas of the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(d) ENVIRONMENTAL EASEMENT PROGRAM.—Title 16 USC 3839(b)(1) is amended by striking "or" after subparagraph (B); striking "." after subparagraph (C); and inserting in lieu thereof the following—

"; or (D) is located within the watershed of a lake identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B).".

(e) CONSERVATION RESERVE PROGRAM.—Title 16 USC 3831(f)(1) by adding at the end thereof the following new sentence—

"The Secretary shall designate watershed areas of lakes identified as impaired pursuant to section 314(a)(1)(B) of the Federal Water Pollution Control Act (33 USC 1324(a)(1)(B) as conservation priority areas.".

NUISANCE AQUATIC VEGETATION CONTROL

SEC. 10. (a) CONTROL PROGRAM.—Subtitle (C) of Title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC 4721 et. seq.) is amended by adding at the end thereof the following new section—

"SEC. 1210. EURASION MILFOIL CONTROL.—(1) The Task Force shall undertake a comprehensive, environmentally sound program, in coordination with regional, State and local entities, to prevent the dissemination of Eurasion Milfoil (Myriophyllum Spicatum) including:

"(A) research and development concerning the species, including environmental tolerances and impacts on water quality, fisheries, and other ecosystem components;

"(B) identification and assessment of mechanisms and means of limiting the dissemination of the species to areas not now infested;

"(C) development of plans and implementation of programs to prevent dissemination of the species; and

"(D) provision of technical assistance to regional, State, and local entities to carry out this section.

"(2) Within two years of the date of enactment of this section, the Task Force shall submit to the Congress a report describing the implementation of this section and making recommendations regarding and additional authorities or support necessary to control the dissemination of Eurasion Milfoil.".

(b) INJURIOUS SPECIES.—Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act is amended by inserting "(a) Zebra Mussel.—" following the title and adding at the end thereof the following new subsection—

"(b) EURASION MILFOIL.—In accordance with section 42 of Title 18 of the United States Code, the Secretary of Interior shall declare Eurasion Milfoil (Myriophyllum Spicatum) an injurious species.".

(c) AUTHORIZATION.—Section 1301(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 USC 4741) is amended by striking "and" at the end of paragraph (6) and inserting after paragraph (7) the following—

"(8) $1,000,000 for implementation of section 212 of this Act; and ";

and renumbering the remaining paragraph.

LAKES ASSESSMENT AND PROTECTION ACT OF 1991 —SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents.—This Act may be cited as the "Lakes Assessment and Protection Act of 1991".

Sec. 2. Findings.—The Congress finds that the Nation's lakes are an important recreational and environmental resource and a vital source of public drinking water. Some 25 percent of lakes are impaired by pollution and existing programs to protect lake quality are not adequate.

Sec. 3. Lake Quality Research.—The Clean Water Act is amended to expand authority for research of lake quality issues. A Lake Research Advisory Committee is established to advise the Environmental Protection Agency on the development of lake research plans.

Sec. 4. Lake Water Quality Standards.—The Clean Water Act is amended to require States to designate uses of lakes within the State.

EPA is directed to develop water quality criteria documents for pollutants which are most common in lakes (i.e. total phosphorus, nitrogen, chlorophyll *a*, acidity, turbidity, and low dissolved oxygen).

States are to adopt enforceable, numerical water quality standards for lakes within two years of the date of publication of a criteria document. The EPA Administrator is directed to establish lake water quality standards if a State fails to do so.

Sec. 5. Lake Water Quality Program Support.—Section 314 of the Clean Water Act is amended to revise the existing grant assistance program for lakes. The revised grant program would allow States to submit grant proposals for both the implementation of statewide programs to protect lakes and to develop and implement protection plans for a specific lake or group of lakes.

Statewide lake protection projects may include projects to develop eduation, assess-

ment, or regulatory programs. Projects are funded at 75/25 Federal/State shares. Priority is given to projects which have the greatest potential to improve lake quality and foster the development of a sustained lake protection program in the State.

Lake protection plans are to assess lake conditions, identify pollution sources, and develop pollution control programs. Planning grants are available on a 75/25 Federal/State basis; implementation grants on a 50/50 basis. Priority is to be given to impaired lakes and lakes which are a source of drinking water and to projects which demonstrate innovative programs.

Existing authorizations for grant assistance and demonstration programs are revised and consolidated. The existing general grant authorization of $30 million per year and demonstration program authorization of $55 million are consolidated into a single authorization of $50 million. Of sums appropriated from the consolidated authorization 25% is to be reserved for statewide lake grants, for lake protection plan grants, for implementation of protection plans, and for implementation of demonstration projects.

Sec. 6. State Revolving Loan Fund Eligibility.—Title VI of the Clean Water Act is amended to specify that State revolving loan funds are eligible to support the implementation of lake protection plans developed with grant assistance under section 314 of the Act.

Sec. 7. Demonstration Program.—The clean lakes demonstration program is amended to clarify the scope of demonstration projects and to add to the list of priority lakes China Lake, Maine and Sebago Lake, Maine.

Sec. 8. Nutrient Control Initiative.—A new section 520 is added to the Clean Water Act directing the EPA Administrator to issue regulations prohibiting the manufacture and distribution for sale in the United States of detergents containing phosphates.

Regulations are to provide for a phase out of phosphate in detergents as soon as possible but in not less than five years, address potential substitution of chemicals for phosphates, allow sale of products manufactured prior to the date of enactment of the section, and provide authority for limited waivers of the prohibition. Violators of the sections are subject to civil penalties under the Clean Water Act.

Sec. 9. Agriculture Program Coordination.—Existing programs of the Department of Agriculture which provide assistance to farmers for implementation of practices to reduce water pollution are focused on watersheds of lakes identified by States as suffering water quality problems. These programs include the Agriculture Conservation Program, the Agriculture Water Quality Incentives Program, the Environmental Easement Program, and the Conservation Reserve Program.

Sec. 10. Nuisance Aquatic Vegetation Control.—The Nonindigenous Aquatic Nuisance Act is amended to direct the Federal Task Force established in the Act to conduct a comprehensive program to prevent the dissemination of Eurasion Millfoil. An authorization of $1 million per year is provided for the program.

Mr. JEFFORDS. Mr. President, I am pleased to be a cosponsor of Senator MITCHELL's Lake Assessment and Protection Act of 1991. I believe this bill represents an important step toward protecting the quality of our Nation's lakes. It's time we directed more of our efforts toward protecting the Nation's fresh waters.

While I believe there are a few areas of the bill in need of revision, I strongly support most of the provisions of the bill. For example, we need to target our limited Federal dollars toward those activities that will result in the greatest environmental benefit. Several aspects of the bill, I believe, will promote this direction of funds. The Lake Research Advisory Committee can serve as a link between the public, the scientific community, and EPA. Targeting our agricultural conservation funds to the watersheds most endangered is key provision of the bill.

Targeting of revolving loan funds could also be extremely useful in achieving the maximum benefit with limited available funds. In my home State of Vermont, many communities are grappling for ways to reduce the nutrient load to Lake Champlain. Use of revolving loan funds could assist in their endeavors. The statewide lake assistance projects could also help Vermonters protect their water resources. Thus, in short, I strongly support the overall goals of this bill.

There are, however, a few areas in which I have some concerns. The first concern is in the use designations allowed for lakes. Some manmade lakes are built specifically for runoff control from developments. After development of an area, these lakes are sometimes deeded to the public and thus could be subject to this bill. I do not believe, however, that it is the intent of this bill to control such lakes.

Second, I have some concerns about the criteria identified for promulgation of water quality criteria. The chemical and physical makeup of lakes typically vary both with depth and with season. Furthermore, the characteristics of lakes tend to vary significantly across the country irrespective of any manmade effects. Western, oligotrophic lakes typically have little algae or turbidity; whereas, Southern lakes often have both high algal concentrations and turbidity. Setting nationwide standards for lakes will have to recognize regional and seasonal differences in water quality. I am confident, however, that these issues can be addressed.

As we begin the reauthorization process for the Clean Water Act, I urge my colleagues to begin researching the water quality problems in their own States. The longer we delay in acting to protect our lakes, the more difficult and costly future cleanup efforts will be.

By Mr. MITCHELL (for himself and Mr. LAUTENBERG):

S. 1070. A bill to protect the coastal areas, and for other purposes; to the Committee on Environment and Public Works.

COASTAL PROTECTION ACT

Mr. MITCHELL. Mr. President, today I am reintroducing legislation to protect marine waters throughout the Nation.

I am very pleased that Senator LAUTENBERG is joining me in reintroducing this important bill. The bill includes important provisions originally introduced by Senator LAUTENBERG in separate legislation in the last Congress.

During the past two Congresses, we have held a series of hearings to document the serious pollution problems in coastal waters. We learned of a wide range of coastal pollution problems, including closed beaches throughout the Northeast, after the discovery of medical wastes, the existence of a large "dead zone" in the Gulf of Mexico, massive pollution problems in Boston Harbor and other estuaries, and sediment contaminated toxic materials, including heavy metals and pesticides.

A report by the Office of Technology Assessment summed up the coastal pollution problem, stating:

> In the absence of additional measures to protect marine and coastal waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

A representative of the National Oceanic and Atmospheric Administration [NOAA] testified before the Environment and Public Works Committee in July of 1989 saying:

> I want to emphasize that the extent of the coastal pollution problems is truly national and not limited to only a few specific coastal or estuarine areas. Solutions to the problem will require an approach that is national in scope and scale.

Basic demographic trends are likely to put continued stress on coastal waters. NOAA estimates that about half of the U.S. population—about 110 million people—now live in coastal areas. By the year 2010, coastal population is expected to increase to 127 million people, an increase of 60 percent over the 1960 population of 80 million.

Coastal pollution is especially serious given the outstanding importance and high value of these waters. Coastal areas serve essential ecological, economic, and recreational functions. The combined value of marine commercial and recreational fishing industries is over $12 billion annually.

The bill we are introducing today is based on similar legislation reported by the Environmental and Public Works Committee in the last Congress. It is intended to provide a direct and comprehensive response to well-documented pollution problems in coastal waters.

The bill amends the Clean Water Act and the Marine Protection Research and Sanctuaries Act to expand and strengthen programs for research and protection of marine waters.

Title I of the bill provides new authority for national monitoring of ma-

rine environmental trends and conditions. A number of recent studies make strong recommendations for strengthening marine monitoring and related programs.

The Congressional Office of Technology Assessment [OTA] suggests a range of actions to reverse the decline in coastal and marine water quality, including expanding and strengthening monitoring of the marine environment. The report states:

Monitoring, research, and enforcement are currently inadequate, and funding levels for these activities are being reduced in some instances.

There is also growing evidence that existing programs assessing the overall quality of the marine environment are seriously flawed. A March 1990 report by the National Research Council on the issue of marine monitoring concluded:

The present array of compliance monitoring programs, regional monitoring programs, and the National Oceanic and Atmospheric Administration National Status and Trends Program is inadequate to establish patterns and trends in the quality of the nation's coastal oceans and estuaries or to determine the effectiveness of environmental policies and programs.

The bill would establish a coordinated monitoring program for assessing marine environmental conditions and trends at the national level. Accurate information on marine environmental conditions is essential to planning of effective pollution control programs and evaluation of the effectiveness of such programs.

Title II of the bill amends the Clean Water Act to expand and strengthen coastal water pollution control programs.

Pollutant discharges to coastal waters are significant and will increase as population continues to concentrate along the coast. Major sources of coastal pollution include point source discharges from industrial facilities, discharges of sewage from publicly owned treatment works, overflows from combined storm and sanitary sewers, and nonpoint pollution from urban areas, construction sites, and agricultural lands.

Some 1,300 major industrial facilities discharge effluents directly to coastal waters. These discharges pose a significant pollution problem. OTA's report on coastal pollution concluded:

Large quantities of toxic pollutants are entering marine environments, particularly estuaries and coastal waters. Legal discharges of industrial effluents * * * often contain substantial amounts of toxic pollutants; indeed, in the aggregate, industrial discharges represent the largest source of toxic pollutants entering the marine environment.

A primary objective of this title is to identify degraded coastal waters and provide the EPA Administrator and States with special new authorities to reverse the decline in environmental quality of these waters.

This provision directs EPA to identify degraded waters, focus the existing National Estuary Program on these waters, and implement a range of new pollution control authorities, including tougher discharge permit authorities, expedited schedules for control of other sources of water pollution, tougher pretreatment standards, and stricter requirements for sewage discharge from vessels.

I hope that these new pollution control authorities will help protect vital coastal areas, such as Casco Bay in my home State of Maine.

Provisions of this title will improve controls over the discharge of toxic pollutants to coastal waters. EPA is to develop a strategy to use Toxic Release Inventory Data, developed under Superfund, in water programs, and implement tougher programs for pretreatment of industrial wastes discharged to wastewater treatment plants.

Another objective of title II of the bill is expansion of the number of enforceable water quality standards for marine waters and initiation of the process of developing criteria and enforceable standards for marine sediment quality. This new authority is expected to result in gradual but substantial improvements in point source discharge permits and corresponding decreases in pollutant discharges.

While the recreational and other values of the coast attract added population growth, this growth can contribute to the contamination and related environmental problems of coastal waters. Development and urbanization in coastal areas causes water pollution problems through runoff from city streets, construction sites, and agricultural lands. These "nonpoint" sources of pollution are a major cause of coastal water quality problems.

EPA confirmed the significant role of growth and development in coastal pollution in testimony before the Environment and Public Works Committee in 1989, when a representative of the Agency states:

The challenge before us is to protect and restore the environmental quality of our near coastal waters, living resources, and their habitats. Solutions to these problems become increasingly complex as their major causes are land based, and primarily due to the population growth and development occurring in our coastal zone.

A final major objective of this title is to improve controls over nonpoint sources of pollution to coastal waters. New authorities would insure coordination between State water quality standards programs and the Federal Flood Insurance Program, expand education programs for the management of coastal land, and link the agricultural conservation reserve program with coastal water quality programs.

Title III of the reported bill amends the Marine Protection, Research, and Sanctuaries Act to better address the dumping of dredged material, with special attention to dumping of contaminated dredged material.

There is growing evidence that sediments underlying marine waters contain contaminants at levels which pose a threat to the quality of the aquatic environment and to human health. The National Research Council issued a report in October 1989 which concluded:

Contamination of marine sediment poses a potential threat to marine resources and human health (through seafood consumption) at numerous sites around the country * * * improving the Nation's capability to assess, manage, and remediate these contaminated sediments is critical to the health of the marine environment.

NOAA has published the results of a national program to monitor toxic chemicals at 50 coastal and estuarine sites from Maine to Alaska. The report states:

A number of sites revealed relatively high levels of toxic contaminants in both bottom sediments and bottom dwelling fish. For example, sediment concentrations of toxic trace metals, aromatic hydrocarbons, DDT's, PCBs, and sewage derived materials from northeastern Atlantic coast sites in Boston Harbor, Salem Harbor, and Raritan Bay are among the highest values measured nationally.

The title includes a provision, originally developed by Senator MOYNIHAN, calling for a national survey of contaminated sediment. This study will provide vital information about the location and extent of sediment contamination throughout the country.

A major objective of title III of the bill is to improve management of ocean dumping of all dredge material. The authority of States to set sediment quality standards more stringent than the Federal Government in State waters is assured; new requirements for development of management plans for dump sites are established; and tougher penalties for violations of the act are provided.

Many Americans were shocked over the past several summers to find beaches closed and coastal waters contaminated. It is essential that we develop a comprehensive program to protect coastal environmental quality. This legislation is a significant step in that direction. I urge each of my colleagues to give this important bill their full support.

Mr. LAUTENBERG. Mr. President, I'm pleased to join Senator MITCHELL in reintroducing the Coastal Protection Act. This bill is very similar to S. 1178 from the 101st Congress which Senator MITCHELL and I introduced and which was approved by the Senate Environment Committee. It incorporates the provisions of S. 1179, the Comprehensive Ocean Assessment and Strategy Act or COAST, which I introduced in 1989.

The Coastal Protection Act contains a comprehensive approach for address-

ing coastal pollution. It is based on hearings held jointly in 1989 by the Subcommittee on Superfund, Ocean and Water Protection which I chair and the Subcommittee on Environmental Protection.

Mr. President, recent reports should dispel any doubts about the threats that pollution poses to our coastal waters. EPA's 1988 National Water Quality Inventory showed that over 7,500 square miles of the Nation's estuarine waters are not achieving water quality standards. In New Jersey, over half of the square miles of estuarine waters which have been assessed are failing to meet water quality standards.

And, in its 20th annual report, the Council on Environmental Quality reviewed the progress the Nation has made in addressing environmental problems since 1970. In contrast to the progress cited in numerous areas, the Council concluded:

If on the other hand, the viability of . . . estuarine ecosystems is used to measure environmental progress, the nation's track record over the past two decades is less impressive.

These findings are not surprising. Our marine waters, from the landward limits of our estuaries to our oceans, have a substantial and direct importance to the American people. The resources in these waters support commercial and recreational fishing, tourism, recreation, and related opportunities. They result in annual expenditures of tens of billions of dollars and unquantifiable enjoyment for our citizens. New Jersey's coastal tourist industry alone generates $8 billion per year. The marine environment also performs important ecological functions by providing important habitat, nursery grounds and food sources for a great diversity of plants, and fish, bird and other animal species.

Yet, it is clear that these resources are at risk. The events of the past few years have made clear that we are using our coastal waters as a garbage can. We see it in dolphins dying mysteriously in the Atlantic and harbor seals in the Gulf of Maine with the highest pesticide levels of any U.S. mammal on land or in water. We see it in sea turtles and sea birds who have died from entanglement with or eating plastic debris in the ocean. We see it in diseased fish, fish which are too toxic to eat, massive fish kills and closed shellfish beds. And we see it in garbage and medical waste invading our shores, closing our beaches, ruining vacations, injuring our tourist economy, and threatening our health.

The Office of Technology Assessment, in a 1987 report, concluded that the overall health of our coastal waters is "declining or threatened," and that "in the absence of additional measures, new or continued degradation will occur in many estuaries and some coastal waters around the country." OTA also determined that contamination of the marine environment has a wide range of adverse effects on birds and mammals, finfish and shellfish, aquatic vegetation and benthic organizations. Finally, OTA concluded existing programs, even if fully implemented, are not adequate to maintain and improve our coastal waters.

Combined sewer overflows [CSO's] present a particular threat to marine waters. These overflows occur in systems where sanitary and storm sewers are combined and storm water from rainfall overwhelm the sewage system. The overflows contain floatables, raw sewage, nonpoint pollution, and industrial toxic pollutants.

Combined sewer overflows are responsible for closing shellfish beds in many areas. According to NOAA, combined sewer overflows contribute to the closing of 97 percent of the shellfish beds in the Hudson/Raritan estuary. That's 159,000 acres of shellfish beds. And every report on floatables in the New York-New Jersey area identifies CSO's as a major source of floatables in the area.

Over the last 20 years, we have implemented a program to control all point source of water pollutants. Yet, at the same time, CSO's have remained largely unregulated and have undercut our control efforts whenever it rains.

The Congress has taken a number of important actions to deal with coastal pollution:

We stopped all dumping of industrial waste and closed the old 12-mile sludge dumpsite, and we're on the road to ending all ocean dumping of sewage sludge.

We overrode a veto of the Clean Water Act which provides funding for sewage treatment facilities, establishes a nonpoint source pollution program, strengthens the act's enforcement mechanisms, requires EPA and the States to address toxic hot spots and requires EPA to establish a permit system to regulate storm water discharges.

We rejected attempts to sharply cut sewage treatment funds and we're providing the funding for these facilities, and to correct combined sewer overflows.

We prohibited the dumping of plastics and other garbage in the water, required garbage barge operations to take actions to keep garbage out of the water, and forced the Corps of Engineers to collect floating debris in New York Harbor to keep garbage off east coast beaches.

We established a comprehensive marine research program.

And we established a demonstration program to track medical wastes and instituted tough penalties to prevent our beaches from being invaded by this disgusting material.

But the message from OTA, EPA, and CEQ is clear. New measures are necessary if we are to restore the health of our coastal waters. The Coastal Protection Act contains those measures.

It establishes a Comprehensive Marine Monitoring Program and includes new efforts authored by Senator MITCHELL for disposal of dredged materials. It also includes programs from Senator MITCHELL'S original coastal pollution bill, S. 1178, and my COAST bill to reduce marine pollution.

The Coastal Protection Act contains the following provisions which are found in my COAST legislation.

EPA would establish a Floatables Monitoring Program, monitoring protocols for marine pollution, a Marine Pollution Information Dissemination Program, and a program to monitor the effects of atmospheric deposition on the marine environment—section 101;

EPA would use the section 313 toxics release inventory to prepare an assessment of sources and geographical areas of marine toxics and a strategy to use this information to improve its existing water programs—section 201;

EPA would be required to designate marine waters needing priority attention. Areas designated would have to implement a number of requirements aimed at reducing pollution levels including the control of storm water runoff—section 203;

EPA and the States would be required to strengthen pretreatment programs in areas designated by EPA as needing priority attention—section 204;

EPA would be required to assist the Secretary of Agriculture in reducing agricultural runoff into coastal waters—section 205(c);

EPA would submit a plan to expeditiously establish and revise marine water, sediment and living marine resource biological quality criteria which the States will use to establish State standards. These standards are used to establish limits on discharges into coastal waters—section 207;

EPA would be authorized to apply the existing provisions in the Clean Water Act requiring that ocean dischargers show that the discharge will not degrade the ocean to dischargers into estuaries and harbors. These new requirements would have to be applied in areas designated by EPA as needing additional protection—section 208(a);

EPA would be required to consider whether a facility discharging into coastal waters has demonstrated a need to discharge based on whether the facility has implemented pollution prevention measures, before determining whether to issue a permit to discharge pollutants into coastal waters—section 208(c);

Criminal penalties for violations of the Ocean Dumping Act would be increased—section 306;

EPA and NOAA would conduct a study of Federal agency programs which may affect the marine environ-

ment. Federal agencies would be required to consider alternatives to avoid adverse affects to the marine environment—section 402; and

EPA and NOAA would have to conduct studies of the economic losses caused by coastal pollution, and the causes of algal blooms in ocean waters—section 403.

The Coastal Protection Act we are introducing today has a few changes from the bill the Environment Committee reported last year. Since some provisions of S. 1178 were enacted as part of other legislation, the bill we are introducing today deletes these provisions. The bill also excluded provisions relating to the control of combined sewer overflow discharges and funding for the control of such discharges because they are being included in the Clean Water Act amendments which I am joining in introducing today.

The Coastal Protection Act will move us another step closer to ensuring that our coastal waters provide their full range of recreational and ecological functions.

I urge my colleagues to support this legislation.

By Mr. DECONCINI:

S. 1071. A bill to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans; to the Committee on the Judiciary.

EXTENSION OF SALVADORAN REGISTRATION

• Mr. DECONCINI. Mr. President, I am introducing legislation today to extend the registration period for the Salvadoran Temporary Protected Status [TPS] Program. Congressman MOAKLEY has introduced an identical bill in the House to extend for 4 months, from June 30, 1991, until October 31, 1991, the application deadline for special TPS for Salvadorans.

Last year, Congressman MOAKLEY and I worked very hard to include a provision in the Immigration Act of 1990 (Public Law 101-649) that provides temporary legal status and work authorization to Salvadoran nationals who have been the innocent victims of war, random violence, and civil strife in their homeland for over a decade. By enacting TPS legislation, the United States has made a humanitarian commitment to protect Salvadoran nationals who have sought refuge in this country. Unfortunately, however, less than 15 percent of the estimated 500,000 eligible Salvadorans have registered for TPS benefits and there are only 6 weeks remaining in the registration period.

When the INS published their interim regulations for TPS in the Federal Register on January 7, 1991, they included an exorbitant fee structure of $330 for an individual and $1,435 for a family of five. Since Congress intended the cost of registration and obtaining work permission to be reasonable, Congressman MOAKLEY and I met with INS Commissioner Gene McNary, on February 5, to discuss our concerns about the extremely high fees for TPS applicants. We were informed at that time that the fees would be lowered substantially in the final regulations. To date, however, the final regulations have not been issued. This bureaucratic delay causes confusion and uncertainty for Salvadorans who must register for TPS by June 30, 1991, or lose their rights to temporary safe haven.

To compensate for the delay in issuing final regulations, I am introducing this 4-month registration extension bill to ensure that all Salvadorans who are eligible and wish to apply for TPS benefits are able to do so. This extension is certainly justified, particularly since the regulation change of lowered fees is crucial to the decision of whether or not Salvadorans would apply for their right to TPS benefits.

Mr. President, I respectfully request that the text of two letters to INS Commissioner McNary, which further describe my views about the implementation of TPS benefits, and the text of my bill, be printed in the record at this point.

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

S. 1071

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

SECTION 1. 4-MONTH EXTENSION OF APPLICATION DEADLINE FOR SPECIAL TEMPORARY PROTECTED STATUS FOR SALVADORANS.

Section 302(b)(1)(C) of the Immigration Act of 1990 is amended by striking "June 30, 1991" and inserting "October 31, 1991".

COMMITTEE ON THE JUDICIARY,
Washington, DC, December 21, 1990.

Hon. GENE MCNARY,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER MCNARY: As you know, I have worked diligently for years to enact legislation to protect Salvadoran nationals who have fled violence and civil strife in their homeland. I am pleased, therefore, that Congressman Moakley and I were finally successful in our efforts by including "Special Temporary Protected Status for Salvadorans" in the Immigration Act of 1990, Public Law 101-649.

I am writing today regarding the implementation of Temporary Protected Status (TPS) benefits for Salvadorans. As a sponsor of this legislation, I want to be sure that the regulations that you are currently drafting reflect the intent of Congress.

Registration for TPS benefits was intended to be a simple, efficient, one step process in which the registrants receive work authorization at the time of registration. In addition, the cost of registration and obtaining work permission was intended to be reasonable. The term "reasonable fee" for Salvadorans was intended to be in line with Section 244A of the Immigration and Naturalization Act which "shall not exceed $50." I would like to stress that it is my hope that the fee will be less than $50 and that a family cap is implemented. We in Congress clearly intended the fee to be as low as possible so that all TPS registrants who are eligible and wish to apply are able to do so. This is a benefit granted to Salvadorans who are in need of protection. Therefore, every effort should be made to encourage, rather than discourage, the registration of all qualified Salvadorans.

In the same spirit, the information registrants provide should be strictly confidential. Again, it is important to send the right signal to eligible Salvadorans, making it clear that it was Congress' intent that this be a benefit program, not an enforcement program, designed to encourage Salvadorans who have fled their country to come forward and register with the Immigration and Naturalization Service (INS). If such confidentiality provisions are not created, eligible Salvadorans will not apply for fear that the information provided will jeopardize them or others. This is clearly an outcome which directly conflicts with the congressional intent of the statute.

Furthermore, I encourage you to carry the burden of providing translators for those registrants who need them. Many registrants will be able to provide their own translators, and I am sure they will do so when possible. However, if registrants do not speak English or have someone who can translate for them, it would be unfair to deny them their entitled benefits.

I trust that the INS will do everything in its power to make the TPS registration process efficient, simple and accessible to all those who qualify. Let me also take this opportunity to commend you for your continuing efforts to fairly implement our immigration laws and policies. We are a great country because of the strengths and assets of those who have come to our shores.

Thank you for your cooperation regarding this issue of particular concern to me. I look forward to discussing these procedures with you after the first of the year. In the meantime, I wish you and your family a happy holiday season. The same good wishes are also extended to your employees.

Sincerely,

DENNIS DECONCINI,
U.S. Senator.

COMMITTEE ON THE JUDICIARY,
Washington, DC, February 6, 1991.

Hon. GENE MCNARY,
Commissioner, Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER MCNARY: We appreciate your taking the time out of your busy schedule to meet with us yesterday regarding our concerns about the interim regulations for temporary protected status (TPS) benefits for Salvadoran war refugees.

As sponsors of this humanitarian legislation, we intended the registration process to be as simple and as inexpensive as possible to encourage, rather than deter, all qualified Salvadorans to register for TPS benefits. Although we expected the fee for registration and obtaining work permission to be no more than $50, we are mindful of your efforts to re-evaluate your original proposed fees which we and many others thought were extremely high. In particular, we are pleased that there is no $75.00 re-registration fee and that families will have to pay the initial $75 registration fee for only the first three members.

We also appreciate your assurances that the information Salvadorans provide in their registration forms will be kept confidential and used to grant or deny TPS. We trust that to ensure uniformity all INS employees in-

volved in this program will be notified that the processing of applications is confidential. Since this is not an enforcement program, confidentiality is important so that eligible Salvadorans will not be afraid to apply for fear that the information provided will jeopardize them or others.

Again, thank you for addressing our concerns. We look forward to receiving the response to our request for a cost analysis of the TPS program. We also commend you for implementing this program in such a short time frame.

Sincerely,

DENNIS DECONCINI,
Senator.
JOHN JOSEPH MOAKLEY,
Representative.•

By Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. METZENBAUM, Mr. LIEBERMAN, Mr. EXON, Mr. ADAMS, Mr. SIMON, Mr. BRADLEY, and Mr. DIXON):

S. 1072. A bill to amend title 23, United States Code, with respect to gross vehicle weights on the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Environment and Public Works.

GROSS VEHICLE WEIGHT RESTRICTIONS ON THE INTERSTATE HIGHWAY SYSTEM

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to halt the spread of the biggest trucks on our highways, longer combination vehicles.

I am pleased to be joined in introducing this bill by Senators CHAFEE, METZENBAUM, LIEBERMAN, EXON, ADAMS, SIMON, BRADLEY, and DIXON.

LCV's are combination trucks such as those with triple 28-foot trailers; twin 48-foot trailers; or "Rocky Mountain doubles," which typically consist of one 48-foot trailer in tandem with one 28-foot trailer.

They can be as long as 120 feet long, and weigh 70 tons. Anyone who's ever been behind one on the road knows how intimidating they can be. Overwhelmingly, the public doesn't want to share the road with these big rigs. National polls have found that over three-quarters of the American people oppose any more use of LCV's.

The safety record on LCV's makes it clear why their use should not be expanded. In those States where they are used, the rate of trailer separation for triples is almost five times higher than for single trailer units. The same is true with regard to jackknifing.

The American Automobile Association Foundation surveyed truck drivers, who agree that safety is sacrificed. Eighty-four percent say that triples are less safe than single trailer trucks, and 82 percent say that the large doubles are less safe. The International Brotherhood of Teamsters, representing drivers around the country, have testified in opposition to any expansion of LCV's.

Stopping the spread of LCV's is also a question of protecting the Federal investment in our national network of roads, bridges, and tunnels. The Federal Highway Administration estimates that it could cost over $4 billion annualy just to maintain the Interstate system as it is. However, it is estimated that LCV's pay far less in gas taxes and other user fees than the actual costs they impose on the system in wear and tear. Sixty percent or more of the costs of LCV's are borne by other users. At a time when we face such staggering infrastructure costs, allowing greater use of these trucks cannot be justified.

The bill would not impact any State currently allowing LCV's. If they were in lawful use in a State as of January 1, 1991, they would be allowed to continue, subject to whatever restrictions existed at the time. Currently, subject to various restrictions, 15 States allow triples, 17 allow twin 48's, and 20 allow Rocky Mountain doubles, according to the American Trucking Association.

The bill would require the Department of Transportation to compile a list of those States meeting the criteria I just outlined. No use of LCV's, beyond the very specific situations included on the DOT list, would be allowed in the future. That means that if your State doesn't have LCV's now, it won't have them in the future. And the responsibility for enforcing this would lie with the USDOT.

The bill retains the right of a State currently allowing LCV's to restrict or eliminate that use in the future.

Mr. President, I'd like to explain in more detail why this bill makes sense. First and foremost, it's a question of safety. In general, trucks have higher accident and fatality rates than passenger vehicles. Combination trucks, in turn, have higher rates than noncombination trucks. According to testimony presented to the Environmental and Public Works Committee this week, in a crash between a passenger car and a heavy truck, the driver of the car is 38 times more likely to be killed than the truck driver.

A review of highway fatality information, from the DOT's fatal accident reporting system and the University of Michigan's "Trucks Involved in Fatal Accidents" [TIFA] data base, shows that LCV accidents are happening, and that fatalities are resulting. Compiling this information, we see that at least 71 people died in LCV accidents between 1980 and 1987. The accident rates for triples and the long doubles are greater than for shorter doubles and single trailers.

Studies have been done to look at different States' experiences with LCV's. Let me cite a few of the findings: In Oregon, from 1985–90, the rate of trailer separation in accidents was almost 5 times higher for triples than for single trailers; in Washington State, the rate of separation for doubles was 25 times higher than for singles; and, again in Oregon, doubles jacknifed more than twice as often as singles, and triples jacknifed 5 times as often.

The University of Michigan Transportation Research Institute, one of our leading research facilities, has found that the crack-the-whip effect—the sway of the rear trailer—is 3.5 times greater for triples than for singles. Also graphically demonstrated in a film, prepared by the California transportation department, CalTrans, the third trailer can routinely sway several feet, a hazardous situation in traffic.

I'd like to cite for my colleagues a passage from a document entitled "On Guard: The Hazards of Operating Multiple Trailers," published by the DOT's Office of Motor Carriers in March of 1991. It says:

Small tractor steering movements or braking applications, particularly in a lane change, are magnified by a second trailer and can reach uncontrollable levels, producing considerable yawing and subsequent rollover.

That same DOT document also stated that:

The chances of rollover of the rear trailer unit rolling over during a sharp turn vary with the combination trailer unit configuration. The last trailer of a triple with 27-foot trailers is 3.5 times more apt to roll over in a sharp turn than a 5-axle tractor semi-trailer with a 45-foot trailer.

Mr. President, when we see information such as this, it's hard to imagine why anyone would want to introduce these vehicles more widely into the mix of traffic on our roads.

Another serious area of concern is the wear and tear on the infrastructure of our highway system. Roads and bridges were not designed to handle trucks the size of these LCV's. The California transportation department, CalTrans, conducted some field tests of LCV's, and prepared a film on it. I highly recommend that film to anyone who's trying to get a sense of the types of trucks we're talking about.

The CalTrans film showed that LCV's often cannot stay within the curbs on ramps, stay in their lanes while turning, and cannot easily enter and exit driveways off of major roads.

In 1985, the Secretary of Transportation submitted a report to the Congress on the feasiblity of a national network of LCV's. In that report, the Secretary stated that:

Most interchanges on the Interstate system cannot safely accommodate LCV's—even the most maneuverable Triples. In addition, if the longer combinations were to travel on the arterial highway system in most parts of the country, they would have significant problems making turns without hitting objects beside the road and severely disrupting traffic flow.

It's been estimated that no more than 25 percent of the existing Interstate ramps are capable of safely handling LCV's. Their additional weight, along with riding over curbs, will in-

crease the costs of maintaining highways and bridges.

Proponents of wider use of LCV's cite as a reason for allowing State-by-State permitting of LCV's the productivity gains the industry would reap.

But I have to ask, at what price are those gains being made? And, who's paying that price?

The gas tax is a user fee. But, there are estimates that LCV's pay far less in user fees than the cost that they impose on the system. It could be 40 percent or lower. That means that others paying gas taxes—average drivers—are footing the bill. That's not right.

Mr. President, even the trucking industry isn't unanimous in its desire to use LCV's. One survey, cited in an April 8, 1991, Journal of Commerce report, of trucking companies showed that: 73 of the companies oppose a size increase, only 23 support it; 63 oppose a weight increase, only 26 support it; 39 want States to be able to set higher size and weights limits than the Federal Government, while 43 do not.

Additionally, I've heard from the Owner-Operator Independent Drivers that they don't want any more LCV's in use. A group of small to mid-sized trucking companies, calling themselves the Survival Coalition, have banded together to fight the use of the big rigs. And, as we heard from the International Brotherhood of Teamsters at our committee hearing yesterday, truck drivers don't think they're safe, and don't want to drive them.

This legislation is supported by a wide range of highway safety and other organizations, including: Citizens for Reliable and Safe Highways [CRASH]; the Owner Operator Independent Drivers Association; the National Grange; and the American Automobile Association, the world's largest motoring and travel organization, with more than 31 million members.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of my legislation be included in the RECORD.

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

S. 1072

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

(a) The fourth sentence of subsection 127(a) of title 23 is amended by adding after "thereof" the following: ", other than vehicles or combinations subject to subsection (d) of this section,"

(b) GROSS VEHICLE WEIGHT.—Section 127 of title 23 is amended by adding a new subsection (d), to read as follows: "(d)(1) Longer combination vehicles may continue to operate if and only if the Secretary of Transportation determines that they were authorized by State statute or regulation conforming to this section and in actual, continuing lawful operation on January 1, 1991, or pursuant to section 335 of Public Law 101-516. All such operations shall continue to be subject to, at the minimum, all State statutes, regulations, limitations and conditions, including, but not limited to routing-specific designations and other operating restrictions, in force on January 1, 1991. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of longer combination vehicles otherwise authorized under this subsection.

(2) Within sixty days of the date of enactment of this Act, the Secretary shall publish in the Federal Register a complete list of those State statutes and regulations and of all limitations and conditions, including, but not limited to routing-specific designations and other operating restrictions, governing the operation of longer combination vehicles otherwise prohibited under this subsection. No statute or regulation shall be included on the list published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of longer combination vehicles, not in actual, continuing operation on January 1, 1991. The list shall become final within a further 60 days after publication in the Federal Register. Longer combination vehicles may not operate on the National System of Interstate and Defense Highways except as provided in the list.

(3) For purposes of this section, a longer combination vehicle is any combination of a truck tractor and one or more trailers or semitrailers which operate on the National System of Interstate and Defense Highways at a gross vehicle weight greater than 80,000 pounds, except those vehicles and loads which cannot easily be dismantled or divided, pursuant to this section.●

● Mr. CHAFEE. Mr. President, I am pleased to be a cosponsor of legislation introduced today by my distinguished colleague, Senator LAUTENBERG.

We need to stop the ad hoc increase in truck size and weight in this country. The bill we are introducing today asks the Federal Highway Administration to work with the States in sorting out the so-called grandfather rights that now exist with regard to truck axle weights and gross vehicle weights, and freeze things where they were as of January 1, 1991.

The driving population in this country is aging. An American Automobile Association [AAA] study cited fear of large trucks as older people's major concern in driving on the Interstate highways.

Ask those who must drive these bigger trucks what they think about them. In the AAA study, 4 out of 5 drivers questioned said they do not want to drive the bigger trucks. The Environment and Public Works Committee received testimony from the International Brotherhood of Teamsters at a hearing on May 13. This is what they said about big trucks:

The executives in the trucking industry propose to operate longer, heavier trucks with more articulation points. They propose to do this on more crowded roads. They propose to do this with the same braking systems that most safety experts know need improvement even for today's trucks. This adds up to an increasingly unsafe situation. We urge you to prevent this from happening. Do not allow the expanded use of these longer combination vehicles beyond those states where they now operate.

Resources for fixing our infrastructure are limited. Many of the existing Interstate interchanges cannot accommodate the bigger trucks, let alone the non-Interstate roads which are not designed to such high standards.

There are other safety concerns about big trucks which must be addressed before they get bigger. These include, for example: First, many trucks exceed the speed limit and use radar detectors; second, many drivers have hours of service violations; and third, trucks need improved braking systems.

The biggest, heaviest trucks now operate in very controlled environments on very few roads. If they are used widely, however, it will be impossible to contain them. They will be everywhere, including many roads, streets, and bridges that cannot handle these vehicles.

The trucking industry claims the bigger trucks have a good safety record. While uniform, national, reliable data is very hard to find, clearly their current relatively safe record thus far is due to two factors: restrictions imposed by the State permitting process, and the operating practices and driver training programs of those companies using them. In other words, the bigger trucks have operated under the best conditions—on the safest roads, with the most qualified drivers, under the best weather conditions, and during only certain hours of the day.

Finally, the American Association of State Highway and Transportation Officials [AASHTO] has asked that no changes be made at this time which could result in the U.S. Department of Transportation or any State increasing allowable weight limits and sizes for trucks on the Interstate System.

Mr. President, an unintended use of a provision included in the 1982 highway bill has resulted in some States interpreting their grandfather rights to continually increase size and weight laws far above what was allowed at the time the grandfather right was originally claimed. The intent of the 1982 provision was only to settle long-term disputes in several States on a one-time basis, not provide the authority to increase truck size and weight in perpetuity. This legislation will close this unintended loophole.

Mr. President, I hope our colleagues will join us in supporting this bill.●

By Mr. DODD:

S. 1073. A bill to amend the Social Security Act to provide for the creation and operation of the Children's Investment Trust, and for other purposes; to the Committee on Finance.

CHILDREN'S INVESTMENT TRUST ACT

● Mr. DODD. Mr. President, I rise today to introduce the Children's Investment Trust Act of 1991. This legis-

lation would establish a perpetual and sustainable source of new Federal funds, tied to strict measures of evaluation and accountability, for vital services to the children, youth, and families of our Nation.

Across the political and social spectrums, liberals and conservatives, business people and politicians alike have come to recognize the direct relationship between early intervention programs and later performance in school and in the labor force. We now understand that to make our Nation productive tomorrow, we must invest in the future of our children and their families today.

But there remains a tremendous gap between our knowledge of what works and our commitment to what's right. We all talk a great game. But when it comes to the budget and appropriations process, the children and families of this Nation are second-class citizens. We found the money to bail out the savings and loans. But when it comes to our own children—the poorest and most vulnerable people in our society—the silence is deafening; the inaction disgraceful. If this Nation were a baseball team, the children of America would be our farm system, and we would be headed for the cellar in the league of industrialized nations.

Between 1980 and 1990, the portion of the Federal budget devoted to children's programs declined by 15 percent. Funding for these programs during this decade grew at only one-fourth the rate of the Federal budget as a whole. This defies common sense. We know what works. And we have proven time and time again that early investment in the health and education of our children will save many times the short-term costs over the long run.

Head Start saves $5 for every $1 we invest. Yet we now serve only one-third of those eligible for the program. Chapter I saves almost $7 for every $1 we devote to the program. But only half of those who need remedial help receive chapter I services. Every $1 we invest in immunizations saves $10 in future medical costs. Yet only 70 percent of American 2-year-olds are immunized for preventable diseases. The list goes on and on, and in each case, we are cutting off our nose to spite our face.

The time has come for fresh ideas and sweeping change. We must turn the rhetoric of early intervention into the reality of strategic investment; to translate all the speeches and ambitious legislative blueprints into actual dollars for the key programs which we know work well. The current system is not working. That is why I am introducing the Children's Investment Trust Act of 1991.

The Children's Investment Trust would be established within the U.S. Treasury to fund important Federal programs for children, youth, and families. Priority would be given to proven, cost-effective programs such as Head Start, WIC, and chapter I. CIT funds could also be used for tax credits and refundable tax credits which directly benefit families with childen. A portion of the trust would be set-aside each year for entitlement grants to States for the expansion and integration of children's and family services. Finally, rigorous planning and evaluation requirements would be established to ensure the effective and efficient use of CIT funds. Herein lies a specific trade—we provide new funds for effective programs but agree to change or terminate those which just do not work.

Part of the trust would be funded by existing appropriations and part by a new revenue source earmarked for the children's trust. This revenue source, which the tax-writing committees would develop as the bill moves through the Congress, can and should be designed without costing working families one red cent. If I had my choice, I would like to see us implement the Moynihan-Kasten payroll tax cut plan, while reserving one-third of the proceeds for the Children's Trust. Now used for general operating costs, this Social Security surplus would be much better spent investing in our children. Over the long-term, this investment would more than pay for itself through an increase in Social Security contributions as today's at-risk children become productive workers in the future. The earmarked Children's Trust revenue could also be derived from an increase in the maximum corporate tax rate, a surtax on those with very high incomes, restrictions on deductions for business meals and entertainment, or an increase in the Federal excise tax for cigarettes and alcohol.

Whatever the source, new taxes are never popular. But I believe America is ready to succeed where our political system has failed. I believe America is ready to invest greater resources in its human potential if taxpayers know how and where their money is being spent. They know that failure in our children is something that we truly cannot afford.

Some in Washington would say the Children's Investment Trust is a revolutionary idea. That tells me I'm on the right track. Desperate problems often call for revolutionary solutions. They said in 1930 that the Social Security Act of 1935 would never pass. There were 20 votes in the Senate in 1962 for what became the Medicare Act of 1965. The children of this Nation are our most precious resource, and we simply cannot afford to neglect them any longer.

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

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

THE CHILDREN'S INVESTMENT TRUST (CIT)—EXECUTIVE SUMMARY

The Children's Investment Trust would be established within the U.S. Treasury to fund important federal programs for children, youth and families. Priority would be given to proven, cost-effective programs such as Head Start, WIC, and Chapter I. CIT funds could also be used for tax credits and refundable tax credits which directly benefit families with children. A portion of the Trust would be set-aside each year for entitlement grants to states for the expansion and integration of children's and family services at the state and local levels. Finally, rigorous planning and evaluation requirements would be established to ensure the effective and efficient use of CIT funds.

CIT would consist of funds from three principal sources: a mandated general fund appropriation (equal to FY 1991 appropriations for all federal children's, youth and family programs, adjusted annually for inflation); earmarked revenue from a new Children's Investment Trust Tax; and income derived from investments of Trust funds. As the Managing Trustee for CIT, the Secretary of the Treasury would oversee Trust investments and make disbursements from the Trust each year pursuant to Congressional Appropriations Acts.

Congress would appropriate Trust funds in the same manner in which appropriations are currently made. Each year, the Concurrent Budget Resolution would include an estimate of Trust funds available for that fiscal year as well as proposed division of these funds between entitlement and discretionary programs. Trust funds devoted to entitlement programs or tax credits could be used only for net improvements in benefits or coverage, and not for cost-of-living-adjustments or uncontrollable costs.

Within the following parameters, Congress would have wide discretion in appropriating Trust funds each year. An amount equal to the mandated general fund appropriation plus approximately 60 percent of the new earmarked revenue, would be allocated to the federal programs and services described in the Act. Congress could provide major increases for some of these programs while reducing or eliminating funds for others. An amount equal to 40 percent of the new earmarked revenue, would be reserved for the entitlement grants to states. States would use these funds to expand children's and family programs and to improve the coordination and integration of these services. Minimal funds also would be reserved each year for planning and evaluation and for training and technical assistance to the states.

The Children's Investment Trust Tax would be established by Congress as part of the CIT legislation. While the tax-writing committees would design this new revenue source, several options exist which would have no direct impact on working families with children. Potential revenue options include: implementation of the Moynihan/Kasten payroll tax-cut plan, while reserving one-third of the proceeds for CIT; an increase in the maximum corporate income tax rate; a surtax on those with very high incomes; restrictions on deductions for business meals and entertainment; and an increase in the federal exercise tax for cigarettes and alcohol. The Children's Investment Trust Tax could consist of any combination of these revenue sources.

The CIT legislation includes several provisions designed to provide strict accountability and to ensure that Trust funds are allocated to the most effective programs. The

President, as part of his annual budget message, would submit to the Congress a six-year plan for the Trust. This plan would include recommendations concerning the allocation of Trust funds as well as program modifications or terminations. The plan also would include a report on the status of children and families and recommendations for improving their status.

The Secretary of Health and Human Services would enter into a contract with the National Academy of Sciences, to establish a Children's Investment Trust Evaluation Panel. This independent panel, composed of experts in the field, would evaluate the programs funded under the Trust at least once every six years. An evaluation report, together with recommendations for program changes, would be submitted every six years to the President, the Congress, and the heads of federal agencies.●

By Mr. KENNEDY (for himself and Mr. DODD):

S. 1074. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide chemical residues in food; to the Committee on Labor and Human Resources.

SAFETY OF PESTICIDES IN FOOD ACT

Mr. KENNEDY. Mr. President, today I am introducing the Safety of Pesticides in Food Act of 1991. This legislation will significantly enhance Federal oversight over the use of dangerous pesticides on our Nation's food supply, and provide greater assurance to all Americans that we truly have the safest food supply in the world.

Pesticide residues in food pose serious health risks, and the simple truth is that the Federal Government is not doing enough to assure the safety of the Nations's food supply. Routine monitoring methods cannot detect over 40 percent of the pesticide chemicals residues which have been identified as posing moderate to high health risks.

While pesticides have significantly improved crop yield and productivity, many chemicals known to cause cancer and other adverse health conditions continue to be commonly used by farmers. To respond to justifiable concerns about food safety, we need to strengthen Federal authority under the Food, Drug and Cosmetic Act to limit pesticide and other chemical residues on foods and move toward removing from the marketplace chemicals known to give rise to adverse health effects.

Numerous reports from government and the private sector underscore our concern. In 1987, the National Academy of Sciences reported that legal applications of 28 pesticides could lead to cancers for up to 6 individuals for every thousand people exposed. The Environmental Protection Agency has identified at least 25 other carcinogenic pesticides which are legally used on food. In 1988 the Natural Resources Defense Council reported that washing may not remove pesticide residues most often found in 26 common fruits and vegetables. A year later the NRDC issued a report, "Intolerable Risk: Pesticides in Our Children's Food," which provides evidence of the risk of cancer to children. Currently, the National Academy of Sciences is conducting its own comprehensive inquiry into the unique susceptibility of children to pesticide residues.

As reports and analyses of the dangers of pesticidies in food continue to be debated, it is clear that significant reforms are needed. The Environmental Protection Agency under the Federal Food, Drug and Cosmetic Act is responsible for establishing limits on the allowable concentrations of pesticides in food. Unfortunately, it has have failed to incorporate the newest health and safety data available when setting these standards.

The legislation I am introducing today amends and enhances the EPA's current authority under the act to set tolerances for pesticides that remain in food. The bill is a substitute for section 408 of the act. It makes many important improvements in both EPA procedures and authorities to improve the public's confidence in the safety of our food supply.

This bill does not amend the basic pesticide regulatory statute, the Federal Insecticide, Fungicide and Rodenticide Act. But it ensures that pesticide residues on food are adequately regulated under the FFDCA.

The bill incorporates many of EPA's current practices, but also establishes certain fundamental reforms that have been recommended by the National Academy of Sciences to improve the safety of foods bearing pesticide residues. One of the most important provisions of this bill establishes a risk-based food safety standard that is consistent with the other food regulatory authorities under the act. The bill establishes and defines a standard of "negligible risk" and specifies that all pesticides and chemicals used on food agriculture products must be found in quantities with less than negligible risk of causing adverse human health effects in identifiable population groups such as infants and children.

In recognition of the risks that pestcides my pose to children, the bill establishes a mechanism to calculate "negligible risk" for children up to age 5 by taking into account their unique physiologies, limited diets and low body weights relative to this exposure to pesticide residue.

Both old and new pesticides will be required to meet the same standards. The creation of a single regulatory standard for pesticides in food is important, because the National Academy of Sciences has found that old pesticides are not currently regulated as strictly as new chemicals. In 1987, NAS reported that 90 percent of estimated dietary cancer risk from pesticides stems from tolerances set before 1978.

A unitary regulatory standard is also important because NAS found that pesticide residues in raw agricultural commodities are not currently regulated as strictly as they are when they occur in certain processed foods. Obviously, there is no health benefit to this differential protection of our food supply. The bill I am introducing today would remedy this unwarranted inconsistency.

Another important provision in the bill establishes authority for EPA to require the submission of health and safety data. Because may tolerances were set on the basis of incomplete or outdated data, authority to require additional details in essential. Even for the few tolerances which are based on today's science, EPA also needs the authority to update the data if new concerns of new scientific evidence emerge. This bill ensures that tolerances will not be in place unless they are supported by scientifically sound data.

This bill will establish a realistic, enforceable procedure for determining whether a pesticide is safe, and will simplify the procedures for taking a pesticide off the market if it contains more than a negligible risk to health.

Congressman HENRY WAXMAN will introduce an identical bill in the House, and I look foward to working with him and with many others in Congress to achieve the goal we share of a safer food supply.

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

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

S. 1074

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

SECTION 1. SHORT TITLE, REFERENCE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safety of Pesticides in Food Act of 1991".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

(a) PESTICIDE.—

(1) Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means—

"(A) any substance which is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, and

"(B) each active and inert ingredient of the pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act.

"(2) The term 'pesticide chemical residue' means a residue in or on food of—

"(A) any pesticide chemical, or

"(B) any other substance that is present in the commodity or food as a result of the metabolism or other degradation of a pesticide chemical,

regardless of whether the residue may be detected.".

(2) Section 201(s) (21 U.S.C. 321(s)) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) pesticide chemical residue; or", and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.".

(b) CONFORMING AMENDMENTS.—

(1) Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(bb) The term 'processed food' means any food which has been subject to processing from a raw agricultural commodity.

"(cc) The term 'Administrator' means the Administrator of the Environmental Protection Agency.".

(2) Section 402(a)(2) (21 U.S.C. 342(a)(2)) is amended—

(A) by amending clause (A)(i) to read as follows: "(i) a pesticide chemical residue",

(B) by amending clause (B) to read as follows: "(B) if it is, or it bears or contains, a pesticide chemical residue unsafe within the meaning of section 408(a)", and

(C) in clause (C), by striking out ": Provided, That" through "; or" and inserting in lieu thereof "; or".

SEC. 3. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

"SEC. 408. (a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

"(1) GENERAL RULE.—Any pesticide chemical residue shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such residue is in effect under this section and the quantity of such residue is within the limits of such tolerance, or

"(B) an exemption for such residue is in effect under this section and such residue complies with such exemption.

"(2) EFFECT OF A TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, such food shall not by reason of bearing or containing any amount of such residue be considered to be adulterated within the meaning of section 402(a)(1).

"(b) TOLERANCES.—

"(1) AUTHORITY.—The Administrator may promulgate regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue—

"(A) in response to a petition filed under subsection (d)(1), or

"(B) on the Administrator's initiative under subsection (d)(4).

A regulation under this paragraph may provide for an expiration date for the tolerance.

"(2) STANDARD.—

"(A) GENERAL RULE.—Except as provided in subparagraph (F)—

"(i) a tolerance may be established for a pesticide chemical residue only if the risk to human health from dietary exposure to the pesticide chemical residue is negligible, and

"(ii) the tolerance for a pesticide chemical residue shall be revoked or modified unless the risk to human health from dietary exposure to the pesticide chemical residue is negligible.

"(B) NEGLIGIBLE RISK.—

"(i) GENERAL RULE.—For purposes of this paragraph, a risk to human health from dietary exposure to a pesticide chemical residue is negligible only if dietary exposure to the residue is reasonably certain to cause no harm to human health and the tolerance for such residue meets the requirements of clause (ii) or (iii).

"(ii) THRESHOLD PESTICIDES.—If the Administrator is able to identify a level at which a pesticide chemical residue will not cause or contribute to any known or anticipated harm to human health, the Administrator may establish or leave in effect a level for a tolerance for such residue only if the Administrator finds that such tolerance will provide an ample margin of safety, for each population group set out in subparagraph (E), which is based on consideration of—

"(I) the nature of the toxic effects caused by such residue and data regarding the prevalence of the same effects caused by other chemicals,

"(II) the validity, completeness, and the reliability of the data about the pesticide chemical residue,

"(III) the variability of individual sensitivities and the sensitivities of population subgroups to the adverse effects from such residue, and

"(IV) the possibility that human susceptibility to such adverse effects is significantly greater than that of test animals.

For purposes of this clause, a margin of safety for a level of a pesticide chemical residue is not ample unless human exposure per unit of body measurement to the pesticide chemical residue and other chemicals which cause the same effect is at least 100 times less than the no observable effect level in animals on which the pesticide chemical residue was tested, and, if human data are available, at least 10 times less than the no observable effect level in humans exposed to such residue. The no observable effect level is the level of exposure to a pesticide chemical which reliable data, derived from exposure of humans or animals to the pesticide chemical, demonstrate will cause no adverse effect.

"(iii) NON-THRESHOLD PESTICIDES.—If the Administrator is not able to identify a level at which a pesticide chemical residue will not cause or contribute to any known or anticipated harm to human health or if the Administrator finds that a pesticide chemical residue causes cancer in animals or humans, the Administrator may establish a level for a tolerance for such residue or leave a level in effect for such residue only if the Administrator finds that such level—

"(I) will not cause or contribute in individuals exposed to such pesticide chemical residue a lifetime risk of an adverse human health effect which occurs at a rate of one in a million or a risk of an adverse human health effect which occurs at a rate of one in a million divided by 70 for any single year of exposure during the first 5 years of the life of an exposed person, using conservative risk assessment models,

"(II) is the lowest level reasonably required to allow the accomplishment of the physical or other technical effect for which the use of the pesticide chemical involved is intended, and

"(III) in the case of processed food, is the lowest level that occurs if such pesticide chemical residue is removed to the extent possible in accordance with good manufacturing practice.

"(C) EXPOSURE.—Except as provided in subparagraph (D), in determining dietary exposure to a pesticide chemical residue for purposes of this paragraph, the Administrator shall—

"(i)(I) use only reliable, statistically significant data regarding the dietary exposure to persons who have consumed the food for which the tolerance for the residue is proposed or is in effect,

"(II) take into account all other tolerances in effect for the same pesticide chemical residue, and

"(III) take into account all other sources (including drinking water if data demonstrating widespread or significant regional contamination in drinking water are available) of dietary exposure to the same pesticide chemical residue, and

"(ii) consider the exposure to be the level of exposure that would occur if all the food, for which the tolerance for the pesticide chemical residue is proposed or in effect, has amounts of the pesticide chemical residue equal to the tolerance proposed or in effect, if all other sources of dietary exposure to such residue described in clause (i)(III) occur, and if human exposure to the pesticide chemical residue at the tolerance level occurs for a period equal to a lifetime.

"(D) SPECIAL EXPOSURE RULE.—The Administrator may calculate dietary exposure based on the percent of the food in which the pesticide chemical residue actually occurs if the Administrator determines on the basis of reliable, statistically significant data—

"(i) the percent of such food in which such residue actually occurs and that such percent is not likely to increase significantly in the subsequent 5 years,

"(ii) the national distribution of such percent of such food does not vary significantly from the distribution of the total amount of such food, and

"(iii) the risk to humans from dietary exposure to such residue and all the other pesticide chemical residues which have a tolerance for the same use for such food and are commonly used on the food is negligible.

The Administrator shall reevaluate the determination every 5 years after the date of

the determination. If under such a reevaluation the Administrator finds that the determination is not justified, the Administrator shall promptly issue a regulation requiring that the tolerance involved be set without invoking the special exposure rule in this subparagraph.

"(E) POPULATION COVERED.—In determining if the dietary exposure to a pesticide chemical residue is negligible, the Administrator shall evaluate the risk to—

"(i) infants of the age 0 to 1,
"(ii) children of the age 1 to 2,
"(iii) children of the age 2 to 3,
"(iv) children of the age 3 to 4,
"(v) children of the age 4 to 5,
"(vi) children of the age 6 to 10,
"(vii) adolescents of the age 11 to 18,
"(viii) other population groups which have been identified by the Administrator to have special food consumption patterns or for which data are sufficient to demonstrate special food consumption patterns, and
"(ix) the entire population,

who consume food with such pesticide chemical residue.

"(F) UNAVOIDABLE PERSISTENCE.—If a tolerance or an exemption from the requirement for a tolerance for a pesticide chemical residue is revoked and the Administrator finds the pesticide chemical residue will unavoidably persist in the environment and contaminate food, the Administrator shall establish a new tolerance under subsection (d)(4) for the pesticide chemical residue. The level permitted by the tolerance shall not be greater than the lowest level that permits only such unavoidable levels to remain in food. The Administrator shall evaluate any such tolerance at least once a year to determine whether modification of such tolerance is necessary so that the tolerance provides only for the level of the pesticide chemical residue that is unavoidable.

"(G) PRACTICAL METHODS OF ANALYSIS.—

"(i) GENERAL RULE.—A tolerance for a pesticide chemical residue shall not be established or allowed to remain in effect unless the Administrator determines, after consultation with the Secretary, that (I) there is a method for detecting and measuring the levels of such pesticide chemical residue in or on a food which will detect the residue at the level established by the tolerance, and (II) except as provided in clause (ii), such method is the best available, practical method. A method shall be considered practical only if it is a multi-residue method that can be performed by the Secretary on a routine basis as part of surveillance and compliance sampling of foods for pesticide chemical residues with the personnel, equipment, and other resources available to the Secretary, or, if no multi-residue method is available, only if it can be so performed by the Secretary.

"(ii) SPECIAL RULE.—If the Administrator determines that a practical method of analysis for a pesticide chemical residue is not available, the Administrator shall identify the best available method which is designed to identify the lowest detectable amount of the pesticide chemical residue. The Administrator shall, every 2 years after the date of the determination under this clause, reevaluate the determination.

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2).

"(c) EXEMPTIONS.—

"(1) AUTHORITY.—The Administrator may promulgate regulations establishing or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue—

"(A) in response to a petition filed under subsection (d)(1), or

"(B) on the Administrator's initiative under subsection (d)(4).

Such a regulation may provide for an expiration date for the exemption.

"(2) STANDARD.—

"(A) AUTHORITY AND RISK STANDARD.—

"(i) ESTABLISHMENT.—An exemption may be established for a pesticide chemical residue if such residue is not a human or animal carcinogen and otherwise presents no risk to human health, including the health of individuals in the population groups set out in subsection (b)(2)(E), from dietary exposure to such residue.

"(ii) REVOCATION.—An exemption shall be revoked unless the residue is not a human or animal carcinogen and it does not present any risk to human health, including the health of individuals in the population groups set out in subsection (b)(2)(E), from dietary exposure to such residue.

"(iii) TOLERANCE.—No exemption may be established or allowed to remain in effect for a pesticide chemical residue for which there is in effect a tolerance.

"(B) EXPOSURE.—For purposes of subparagraph (A), in determining dietary exposure to a pesticide chemical residue, the Administrator shall—

"(i) use only reliable, statistically significant data regarding the dietary exposure resulting from the consumption of the food for which the exemption for such residue is proposed or is in effect,

"(ii) take into account all other exemptions in effect for such residue and all other sources (including drinking water if data demonstrating widespread or significant regional contamination in drinking water are available) of dietary exposure to such residue, and

"(iii) consider the exposure to be the level of exposure that would occur if all the food, for which the tolerance for such residue is proposed or in effect, has amounts of such residue equal to the tolerance proposed or in effect, if all other sources of dietary exposure to such residue described in clause (ii) occur, and if human exposure to the pesticide chemical residue at the tolerance level occurs for a period equal to a lifetime.

"(C) PRACTICAL METHODS OF ANALYSIS.—An exemption for a pesticide chemical residue shall not be established or allowed to remain in effect unless the Administrator determines, after consultation with the Secretary, that there is a method for detecting and measuring the levels of such pesticide chemical residue on a food and that such method is the best available, practical method, as defined in subsection (b)(2)(G).

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2).

"(d) PETITIONS AND ACTION ON ADMINISTRATOR'S OWN INITIATIVE.—

"(1) GENERAL RULE FOR PETITIONS.—Any person may file with the Administrator a petition proposing the issuance of a regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(2) REQUIREMENTS FOR PETITIONS TO ESTABLISH A TOLERANCE OR EXEMPTION.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall contain—

"(A) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition, including a summary of the reports required under subparagraph (D) respecting the safety of the pesticide chemical residue and a characterization of the exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue and the additional exposure to such residue which would result if the requested tolerance or exemption were granted,

"(B) a proposed tolerance for such residue, if a tolerance is proposed,

"(C) the name, chemical identity, and composition of the pesticide chemical which produces such residue,

"(D) reports of tests and investigations made with respect to the safety of such pesticide chemical, including complete information as to the methods and controls used in conducting such tests and investigations,

"(E) data showing the amount, frequency, method, and time of application of such pesticide chemical,

"(F) reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on food when ready for sale to consumers, including a description of the analytical methods used,

"(G) description of methods for detecting and measuring the levels of such pesticide chemical residue in or on the food which meet the requirements of subsection (b)(2)(G) or (c)(2)(C),

"(H) reports of investigations conducted on the effects of processing methods used to produce food on the level and identity of such pesticide chemical residue,

"(I) if the petition relates to a tolerance for a pesticide chemical residue which may occur in processed food, information demonstrating the lowest level that occurs if the residue has been removed to the extent possible in accordance with good manufacturing practice,

"(J) if the petition is for a pesticide chemical residue which is described in subsection (b)(2)(B)(iii), all relevant data bearing on the physical or other technical effect the pesticide chemical involved is intended to have and the quantity of the pesticide chemical residue required to accomplish such effect,

"(K) such other data and information (including a sample of the pesticide chemical from which the pesticide chemical residue is derived) as the Administrator may require to support the petition.

If information or data required by this paragraph are available to the Administrator, the person submitting the petition may in lieu of submitting the information or data cite the availability of the information or data.

"(3) ACTIONS ON PETITIONS.—

"(A) NOTICE.—Within 45 days of the filing of a petition under paragraph (1) for the establishment of a tolerance or an exemption, the Administrator shall determine if the petition complies with the requirements of paragraph (2). If the Administrator determines that the petition complies with such requirements, the Administrator shall publish a notice of the filing of the petition. If the Administrator determines that the petition does not comply with such requirements, the Administrator shall notify the petitioner of such determination. A notice published under this subparagraph shall—

"(i) announce the availability of a complete description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chem-

ical residue with respect to which the petition is filed,

"(ii) include the summary required by paragraph (2)(A), and

"(iii) provide at least 30 days for comments on the petition.

"(B) ACTION.—The Administrator shall, within 270 days of the publication of a notice under subparagraph (A) with respect to a petition and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition establishing a tolerance or exemption for the pesticide chemical residue,

"(ii) issue a proposed regulation establishing a tolerance or exemption for the pesticide chemical residue which is different from the tolerance or exemption requested in the petition, or

"(iii) issue an order denying the petition.

"(C) MODIFICATION OR REVOCATION.—Within 45 days of the filing of a petition under paragraph (1) for the modification or revocation of a tolerance or exemption, the Administrator shall publish a notice of the filing of the petition. Such notice shall contain the full petition or a summary of the petition and shall provide at least 30 days for comments on the petition. The Administrator shall, within 270 days of the publication of the notice under subparagraph (A) and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition modifying or revoking a tolerance or exemption for the pesticide chemical residue,

"(ii) issue a proposed regulation modifying or revoking a tolerance or exemption for the pesticide chemical residue which is different from the modification or revocation requested in the petition, or

"(iii) issue an order denying the petition.

"(D) COMMENTS AND FINAL REGULATIONS.—If the Administrator issues a proposed regulation under subparagraph (B)(ii) or (C)(ii), the Administrator shall allow at least 30 days for comments on such proposed regulations. The Administrator shall issue a final decision within 180 days of the date of the publication of the proposed regulations.

"(E) PRIORITIES.—The Administrator shall give priority to petitions for the establishment of a tolerance for a pesticide chemical residue which appears to have a significantly lower risk to human health from dietary exposure than pesticide chemical residues which have tolerances in effect for the same or similar uses.

"(4) ACTION ON THE ADMINISTRATOR'S OWN INITIATIVE.—

'(A) GENERAL RULE.—The Administrator may, on the Administrator's own initiative, issue a final regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(B) NOTICE.—Before issuing a final regulation under subparagraph (A), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 30 days for public comment on the proposed regulation unless the Administrator finds that it would be contrary to the public interest to do so and states the reasons for that finding in the notice of the final regulation.

"(5) EFFECTIVE DATE.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), a final regulation issued under paragraph (3) or (4) shall take effect upon publication.

"(B) DELAY.—

"(i) GENERAL RULE.—If a regulation issued under paragraph (3) or (4) revokes or modifies a tolerance for a pesticide chemical residue or revokes an exemption for a pesticide chemical residue, the Administrator may, in accordance with clause (ii), delay the effective date of the regulation to permit the tolerance or exemption to remain in effect at the level in effect immediately before such regulation is issued only—

"(I) for foods which, on the date of the publication of the regulation, contain such pesticide chemical residue in an amount which is not more than the amount which could legally be applied on the date the Administrator acted under paragraph (3) or (4), and

"(II) if dietary exposure to the pesticide chemical residue in or on the foods described in subclause (I) meets the negligible risk standard prescribed by subsection (b)(2) during the period of delay of the effective date.

"(ii) PERIOD OF DELAY.—If the Administrator finds that delay of the effective date of such a revocation or modification is consistent with the public health, the Administrator may delay such date under clause (i) for each type of food which contains such pesticide chemical residue for the period that is required for such food to be sold to consumers in the course of the usual practice for persons engaged in the production, processing, transportation, storage, and distribution of that type of food.

"(e) SPECIAL DATA REQUIREMENTS.—

"(1) DETERMINATION OF INADEQUATE DATA.—If a tolerance or exemption is in effect for a pesticide chemical residue and the Administrator determines that data contained in the petition, which had been submitted under subsection (d)(1) for its establishment or under this section before the date of the enactment of this paragraph, are not adequate to support the continuation of such tolerance or exemption because—

"(A) based on the data contained in the petition and other data available to the Administrator, the Administrator determines that dietary exposure to such pesticide chemical residue may present a risk to human health that is greater than the standard prescribed by subsection (b)(2) or (c)(2), or

"(B) the data contained in the petition are insufficient to determine if the tolerance or exemption meets the requirements of subsection (b)(2) or (c)(2) or the requirements of subsection (d)(2),

the Administrator shall take the action described in paragraph (2).

"(2) ACTION BY ADMINISTRATOR.—When the Administrator makes the determination described in paragraph (1) with respect to a tolerance or exemption for a pesticide chemical residue, the Administrator shall—

"(A) within 30 days of the determination under paragraph (1)(A), initiate an action under subsection (d)(4) to modify or revoke the tolerance or exemption so that it meets the standard under subsection (b)(2) or (c)(2), and within one year of such determination issue a final regulation to complete such action, and

"(B) within 30 days of the date of the determination under paragraph (1)(B), require the submission of data to support—

"(i) the existing tolerance or exemption, or

"(ii) a new tolerance or exemption for such residue,

which meets the standard under subsection (b)(2) or (c)(2),

"(3) SUBMISSION OF REQUIRED DATA.—When the Administrator requires the submission of data under paragraph (2)(B), the Administrator shall publish an order—

"(A) requiring one or more interested persons to notify the Administrator that such person will submit the required data,

"(B) describing the type of data required to be submitted,

"(C) describing the reports required to be made during and after the collection of the data, and

"(D) establishing deadlines for the actions described in subparagraphs (A) and (C).

"(4) DEADLINES.—

"(A) GENERAL RULE.—Except as provided in subparagraphs (B) and (C), if an order is issued under paragraph (3) with respect to a tolerance or exemption and a deadline in the order is not met, the tolerance or exemption is revoked, effective 45 days after the date the deadline is not met. Immediately after such deadline is not met, the Administrator shall publish a notice of the revocation.

"(B) EXTENSION REQUEST.—Any person may request the Administrator to issue an order to extend the deadline established under paragraph (3)(D) before expiration of the deadline. The Administrator may grant such a request only if the person submitting the request notified the Administrator pursuant to paragraph (3)(A) in compliance with the deadline established under paragraph (3)(C) and if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data. If the Administrator issues an order extending a deadline—

"(i) the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data, and

"(ii) the Administrator shall establish a new deadline in accordance with paragraph (3)(D).

"(C) DELAY.—If a tolerance or exemption is revoked under subparagraph (A), the Administrator may delay the effective date of the revocation in accordance with subsection (d)(5)(B).

"(5) EVALUATION OF DATA.—Within 90 days of the date of the receipt of data under paragraph (3), the Administrator shall evaluate such data and determine whether action is required under subsection (d)(4) with respect to the tolerance or exemption for the pesticide chemical residue for which the data were submitted so that such tolerance meets the negligible risk standard prescribed under subsection (b)(2) or (c)(2). If the Administrator determines that action under subsection (d)(4) is required, the Administrator shall complete such action within one year of the date of such determination.

"(f) CONFIDENTIALITY OF DATA.—

"(1) GENERAL RULE.—Data submitted to the Administrator in support of a petition under subsection (d)(2), which have not previously been made available to the public without restriction, shall, upon request of the petitioner, be considered as entitled to confidential treatment by the Administrator until publication of a regulation or order under subsection (d)(3) in response to the petition unless disclosure of such data is required by subsection (d)(3)(A)(ii) or subsection (g) or is allowed by paragraph (2) of this subsection.

"(2) DISCLOSURE.—Data that are entitled to confidential treatment under paragraph (1) until publication of a regulation or order under subsection (d)(3) may be revealed to—

"(A) either House of Congress or any committee or subcommittee thereof to the extent of matter within the jurisdiction of the committee or subcommittee,

"(B) any officer or employee of the United States in connection with the official duties

of such officer or employee under any law for the protection of health or the environment or for specific law enforcement purposes,

"(C) any officer or employee of a State in connection with the official duties of such officer or employee under any law of the State for the protection of health or the environment or for specific law enforcement purposes, or

"(D) contractors with the United States authorized by the Administrator to examine such data in the carrying out of contracts under such statutes under such security requirements as the Administrator may provide.

"(g) ACCESS TO DATA IN SUPPORT OF PETITION.—

"(1) GENERAL RULE.—If data in support of a petition is submitted to the Administrator, the Administrator, before acting on such petition, shall provide, in accordance with this subsection, public access to health and safety data that are submitted or cited in support of such petition. To obtain access to such data, a person shall, not later than 30 days after the publication under subsection (d)(3) of a notice of the filing of a petition, send by certified mail to the Administrator and to the petitioner a request for such access and the affirmation required by paragraph (2). The Administrator shall grant such request unless, within 15 days after the receipt by the Administrator of such request and affirmation, the petitioner submits to the Administrator an objection to the request asserting that the affirmation is inaccurate and other reasons for the objection. If an objection to a request is submitted to the Administrator within such 15-day period, the Administrator shall determine whether to grant the request within 5 days after the receipt of the objection. If the Administrator determines to grant the request, access shall not be permitted until 5 days after the petitioner making the objection has been notified that access has been granted. If access to data is denied, comments on the petition for which such data were submitted or cited shall be filed within 30 days after the decision of the Administrator denying access.

"(2) RESTRICTION.—Data referred to in paragraph (1) may be made available only to a person who provides an affirmation (and such supporting evidence as the Administrator may require) which—

"(A) states that the person is not engaged in, and is neither employed by nor acting (directly or indirectly) on behalf of any other person or affiliate thereof engaged in, the production, sale, or distribution of a pesticide chemical,

"(B) identifies any business, employer, or other person, if any, on whose behalf the person is requesting access to the data, and

"(C) states that the person will not intentionally or recklessly violate this subsection.

For purposes of this paragraph, an affiliate of a person is a person who directly or indirectly, through one or more intermediates, controls or is controlled by or is under common control with the other person. Section 1001 of title 18, United States Code, shall apply to an affirmation made under this paragraph.

"(3) COMMENTS.—

"(A) GENERAL RULE.—Data supporting a petition may be made available under paragraph (1) to a person only for the purpose of permitting the person to comment to the Administrator on such petition. Such comments may reasonably quote data submitted to the Administrator. No person, including the Administrator, may make such comments public before the decision of the Administrator on the petition for which such data were submitted or after such decision if the petition is denied.

"(B) RESTRICTIONS.—A person who obtains data under paragraph (1) (directly or indirectly) may not publish, copy, or transfer the data to any other person to obtain approval to sell, manufacture, or distribute a pesticide chemical anywhere in the world.

"(4) PROCEDURE.—Data made available under paragraph (1) may be examined at an office of the Environmental Protection Agency or an appropriate State agency under the conditions prescribed by this subsection and may not be removed from such office. The Administrator shall maintain a record of the persons who inspect data. A copy of such record shall be sent on request to the person who submitted the data. Once access to data supporting a petition is granted, the data may be examined and notes may be taken for use in developing comments on the petition. Such comments on the petition shall be filed within 60 days after the decision of the Administrator granting access, unless the comment period is extended by the Administrator for an additional 30 days for good cause.

"(h) ACCESS TO DATA AFTER DECISION.—When the Administrator takes final action on a petition submitted under subsection (d)(1) or on the Administrator's own initiative under subsection (d)(4), the Administrator shall make available to the public the administrative record of the decision, including the data relied upon for the decision.

"(i) DEFINITIONS.—For purposes of this section, the terms 'modify' and 'modification' mean the lowering of a tolerance for a pesticide chemical residue.

"(j) EXISTING PESTICIDE CHEMICAL RESIDUES.—

"(1) PESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues promulgated, in accordance with sections 701(e) and 406(a), upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be tolerances issued under this section and shall be subject to modification or revocation under subsection (d) or (e).

"(2) PESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS UNDER SECTIONS 408 AND 409.—Regulations establishing tolerances for pesticide chemical residues under sections 408 and 409 or exemptions for pesticide chemical residues under section 408 on or before the date of the enactment of this subsection shall be deemed to be tolerances or exemptions issued under this section and shall be subject to modification or revocation under subsection (d) or (e).

"(3) GENERALLY RECOGNIZED AS SAFE PESTICIDE CHEMICAL RESIDUES UNDER SECTIONS 408 AND 409.—

"(A) GENERAL RULE.—Pesticide chemical residues which on the day before the date of the enactment of this paragraph do not have tolerances or exemptions from tolerances under this section because they are generally recognized as safe under this section or section 409 shall, until the expiration of the period prescribed by subparagraph (C), not be considered unsafe under section 402(a)(2)(B) solely because the chemicals do not have such a tolerance or exemption.

"(B) GRAS LIST.—Not later than 90 days after the date of the enactment of this paragraph—

"(i) the Administrator shall publish a list of all pesticide chemical residues which on the day before such date the Administrator has determined are generally recognized as safe under this section or section 409, and

"(ii) require, with respect to a pesticide chemical residue not on the list under clause (i), that any person who before the date of the enactment of this paragraph distributed in commerce a pesticide chemical as a pesticide chemical which such person determined is generally recognized as safe under this section or section 409 to report to the Administrator the identity of such pesticide chemical and the data which supports the claim that the pesticide chemical is so safe.

"(C) ADMINISTRATOR'S DETERMINATION.—Not later than 270 days from the date of the enactment of this paragraph, the Administrator shall determine if each pesticide chemical reported to the Administrator in accordance with subparagraph (B)(ii) is generally recognized as safe. If the Administrator determines that such pesticide chemical is generally recognized as safe, the residue of such pesticide chemical shall be considered a pesticide chemical residue subject to an exemption under this section which shall be subject to modification or revocation under subsection (d) or (e).

"(k) F.D.A. MONITORING OF PESTICIDE CHEMICAL RESIDUES.—

"(1) The Secretary shall conduct surveillance and compliance sampling of food for pesticide chemical residues to determine if the pesticide chemical residues are in compliance with this section. In carrying out this paragraph, the Secretary shall give priority to foods which contain pesticide chemical residues included in a notice under paragraph (2). "(2) The Administrator shall notify the Secretary of the pesticide chemical residues which the Administrator determines in the administration of this section (A) are above the standard prescribed by subsection (b)(2), or (B) are not above such standard but which may under certain circumstances reach or exceed such standard.

"(l) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under this section. Under such regulations, the performance of the Administrator's services or other functions under this section may be conditioned upon the payment of such fees. Such regulations may further provide that the continuation in effect of a tolerance or exemption shall be conditioned upon the payment of an annual fee and for waiver or refund of fees in whole or in part when in the judgment of the Administrator such waiver or refund is equitable and not contrary to the purposes of this subsection.

"(m) JUDICIAL REVIEW.—

"(1) REVIEW.—Any person (including a person without an economic interest) who may be adversely affected by a final regulation or order issued under subsection (d)(3), (d)(4), (e)(4), or (j)(3) may obtain judicial review of such regulation or order by filing in the United States Court of Appeals for the circuit wherein such person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of the regulation or order under subsection (d)(3), (d)(4), (e)(4), or (j)(3), a petition praying that the regulation or order be set aside in whole or in part.

"(2) REVIEW OF DATA.—

"(A) IN GENERAL.—Any person (including a person without an economic interest) may obtain judicial review of the adequacy of the data made available by the Administrator under subsection (h) to support the issuance

of a tolerance or exemption for a pesticide chemical residue by filing a petition in the United States Court of Appeals for the circuit in which such person resides or has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit for the review of the data.

"(B) SCOPE OF REVIEW.—Review in a proceeding initiated under this paragraph shall be limited to whether the data under review are adequate to demonstrate that the tolerance or exemption supported by such data meets the standards required by subsection (b)(2) or (c)(2) and interpreted by the guidelines issued under subsection (b)(3) or (c)(3). Unless the court determines that such data are adequate, the court shall revoke the tolerance or exemption supported by such data.

"(C) BURDEN OF PROOF.—In any such proceeding the Adminstrator shall have the burden of proof on all issues.

"(3) COURT RESPONSIBILITY.—In any action seeking judicial review of actions under this section, the court shall have the principal responsibility for deciding issues of law.

"(4) ATTORNEY FEES.—Any petitioner who prevails in a proceeding brought under this section shall be entitled to recover reasonable attorney fees and expenses (including expert witness fees).".

SEC. 4. EVALUATION OF EXISTING PESTICIDE CHEMICAL RESIDUE TOLERANCES AND EXEMPTIONS.

(a) EVALUATION.—Within one year of the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall, for each pesticide chemical residue which has a tolerance or exemption in effect under the Federal Food, Drug, and Cosmetic Act, evaluate all available data with respect to the safety of such pesticide chemical residue and the nature and amount of such residue remaining in or on foods and determine if—

(1) the tolerance or exemption meets the requirements of subsection (b)(2) or (c)(2) of such section,

(2) the tolerance or exemption does not meet such requirements, or

(3) the data are insufficient to determine if the tolerance or exemption meets such requirements.

(b) SUFFICIENT DATA.—

(1) ACCEPTABLE RISK DATA.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator finds that data for the pesticide chemical residue are sufficient to determine that the tolerance or exemption for the pesticide chemical residue meets the standard under section 408(b)(2) or 408(c)(2) of such Act, the Administrator shall publish such finding.

(2) UNACCEPTABLE RISK DATA.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator finds that data for the pesticide chemical residue are sufficient to determine that the tolerance or exemption for the pesticide chemical residue does not meet the standard under section 408(b)(2) or 408(c)(2) of such Act, the Administrator shall, within one year of the date of such finding, modify or revoke the tolerance.

(3) INSUFFICIENT DATA.—

(A) GENERAL RULE.—If with respect to any pesticide chemical residue which is evaluated under subsection (a), the Administrator determines that the data are insufficient to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall establish a schedule for the submission of data in accordance with the requirements of section 408(e)(2)(B) and 408(e)(3) of such Act, which data will be the basis for a determination by the Adminstrator as to whether the tolerance or exemption meets the standard prescribed by section 408(b)(2) or 408(c)(2) of such Act. The Administrator shall—

(i) within 2 years of the date of the enactment of this Act, make such a determination respecting a tolerance or exemption meeting a standard under section 408 of such Act for at least 30 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date,

(ii) within 4 years of the date of the enactment of this Act, make such a determination for at least 60 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date,

(iii) within 6 years of the date of the enactment of this Act, make such a determination for at least 90 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date, and

(iv) within 7 years of the date of the enactment of this Act, make such a determination for 100 percent of the tolerances or exemptions in effect for pesticide chemical residues in existence on such date.

Section 408(e)(4) of such Act shall apply to the deadlines established by such schedule.

(B) PRIORITIES.—In establishing such schedule, the Administrator shall give priority to the consideration of any pesticide chemical residue for which there is reason to believe that the tolerance or exemption in effect for such residue may present a risk greater than the negligible risk standard prescribed by section 408(b)(2) or 408(c)(2) of such Act.

(C) ACTION BY THE ADMINISTRATOR.—If the Administrator determines under subparagraph (A) that a tolerance or exemption does not meet the standard under subsection (b)(2) or (c)(2) after the submission of data in accordance with the schedule prescribed by such subparagraph, the Administrator shall take the action described in section 408(e)(2)(A) of the Federal Food, Drug, and Cosmetic Act with respect to such tolerance or exemption.

SEC. 5. REVIEW OF EXISTING METHODS OF ANALYSIS.

Within 180 days of the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall determine for each method of detecting and measuring levels of pesticide chemical residues if the requirements of section 408(b)(2)(E) of the Federal Food, Drug, and Cosmetic Act have been met. The Administrator shall issue a notice identifying each pesticide chemical for which there is such a method which does not meet such requirements. Any such method which does not meet such requirements shall be revised so that it meets such requirements within 3 years of the date of the issuance of the notice. If upon the expiration of such 3 years, a method does not meet such requirements, then any tolerance or exemption in effect for the pesticide chemical residue subject to such method shall be considered revoked.

SEC. 6. FEES.

The Administrator of the Environmental Protection Agency shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under sections 4, 5, and 6 of this Act.

SEC. 7. DEFINITIONS.

(a) IN GENERAL.—The terms used in sections 4 through 5 of this Act, which are the same as the terms used in section 408 of the Federal Food, Drug, and Cosmetic Act, shall have the same meaning as is prescribed for those terms by sections 201 and 408 of such Act.

(b) DIETARY EXPOSURE.—As used in section 4 of this Act, the term "dietary exposure" refers to dietary exposure as determined under section 408(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act.

(c) EXEMPTION.—As used in sections 4 through 5 of this Act, the term "exemption" means an exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SPECTER, Mr. JEFFORDS, Mr. GLENN, Mr. PELL, Mr. BIDEN, Mr. BURDICK, Mr. DIXON, Mr. BOREN, Mr. REID, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, Mr. PACKWOOD, Mr. STEVENS, Mr. D'AMATO, Mr. COCHRAN, Mr. BROWN, Mr. CRAIG, and Mr. SEYMOUR):

S.J. Res. 145. Joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce a joint resolution designating the week of November 10–16, 1991, as National Women Veterans Recognition Week. The measure, cosponsored by 24 of my colleagues, is a companion to House Joint Resolution 242, which was introduced in the House of Representatives by Representative BILIRAKIS on May 2.

Because of my commitment to women veterans, for the past 7 years I have sponsored legislation designating a week near Veterans Day as National Women Veterans Recognition Week. I am proud to have sponsored this legislation for so many years and am gratified by the strong support it has received from my colleagues in the Senate.

Women veterans comprise approximately 4.2 percent of the total veteran population, a percentage that is growing as the percentage of military personnel who are women—currently at a record 12 percent—continues to rise. These women, who served with honor, skill, and dedication, are a group of veterans who have too often been underestimated, forgotten, or ignored. We must reverse this perception and recognize the historical and growing contributions of women veterans to our national defense. As demonstrated in recent months by the more than 30,000 women who have served in the Persian Gulf region, women are performing a wide range of tasks vital to the Armed

Forces and are clearly an integral part of the All-Volunteer Force.

The conflict in the Persian Gulf also heightened the public's sensitivity to the problems faced by women in the Armed Forces. Our newspapers and television screens brought us many stories of anxious mothers forced to leave their children in the care of friends and relatives when summoned to duty half a world away from home. In addition, women experienced hardships as the result of the need to adapt to social and cultural constraints on the freedom and equality of women in the Persian Gulf region. We must not allow our Nation to forget the sacrifices made by these women and those who served before them.

The principal goals of designating a week to recognize and honor women veterans are twofold: To increase the public's awareness of the accomplishments of women in the Armed Forces and to make women veterans more aware of the many benefits available to them because of their service. Because many women veterans are not aware of the various benefits and services for which they are eligible, such as health care, educational assistance, employment services, and home loan guaranties, they often do not apply for them. This lack of awareness has had serious ramifications for VA health care. With relatively few women veterans seeking treatment at VA health-care facilities, VA has been slow to remodel its buildings and hire appropriate staff to meet the gender-specific health-care needs of women veterans. VA has made steady progress toward improving its services to women veterans, but further improvement is necessary for VA to provide women veterans with equal and appropriate health-care services.

Mr. President, the resolution designating the week of November 10 as National Women Veterans Recognition Week will continue the momentum built over the last 7 years to call attention to this important but often overlooked group of veterans. I urge my colleagues to join me in supporting this resolution of vital significance to these women to whom we owe our undying gratitude and admiration.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

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

S.J. RES. 145

Whereas there are more than 1,200,000 women veterans in the United States representing 4.2 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continues to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wider range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 10, 1991, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.•

By Mr. LAUTENBERG:

S.J. Res. 146. Joint resolution designating July 2, 1991, as "National Literacy Day"; to the Committee on the Judiciary.

NATIONAL LITERACY DAY

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce a joint resolution to designate July 2, 1991, as "National Literacy Day." This is the sixth year in a row that I am introducing this resolution. It is vital to call attention to the problem of illiteracy, to help others understand the severity of this problem and its detrimental effects on our society, and to reach those who are unaware of the services to help them escape illiteracy.

In the book "Illiterate America" by Jonathan Kozol, the author describes the growing crisis of illiteracy in America. In this country it is often said that we live in the information age. Yet for many Americans, information is inaccessible. Over 17 million American adults cannot read. An additional 35 million read below the level needed to function successfully. The American Library Association estimates the cost of illiteracy is $224 billion, although, in truth, no value can be put on the devastation of illiteracy.

The cost includes the lifetime earnings that will not be realized by men and women who cannot get and hold jobs requiring any reading skills. The cost includes child welfare expenditures for the children of adults who lack the skills to get jobs. The cost includes prison maintenance for the inmates whose imprisonment can be linked to their illiteracy. The cost includes on-the-job accidents and damage to equipment caused by the inability of workers to read and understand instructions for the operation of machines.

And the human cost is even higher. The daily activities that we take for granted—reading the newspaper, reading a menu, reading a street or subway map, reading a note from a child's teacher—become a nightmare for illiterate people. They devise remarkable strategies of evasion and coping. The creativity that goes into hiding the inability to read is a terrible waste and a tragic commentary on the losses illiterate people suffer.

It is vital to call attention to the problem of illiteracy. Our society must begin to understand the severity of this problem and its detrimental effects. Perhaps even more essential is the need to reach the people who need help in overcoming their illiteracy and to make them aware of the services that are available.

Mr. President, for these reasons, I am introducing a joint resolution to designate July 2, 1991, as "National Literacy Day." I urge my colleagues to support this resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 146

Whereas literacy is a necessary tool for survival in our society;

Whereas thirty-five million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three-hundred thousand persons, including one million two-hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of resulting welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated by the American Library Association at $24 billion.

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas the number of illiterate adults unable to perform at the standard necessary for available employment is related to and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased barriers to economic enhancement by these minorities;

Whereas the prison population represents a high concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase 50 per centum by 1990;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance, Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1991, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. SYMMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 100

At the request of Mr. SANFORD, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 100, a bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region.

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 100, supra.

S. 102

At the request of Mr. COHEN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 200

At the request of Mr. PRYOR, the names of the Senator from Montana [Mr. BURNS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 200, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements.

S. 224

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 224, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 264

At the request of Mr. COCHRAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 327

At the request of Mr. BOREN, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 447

At the request of Mr. THURMOND, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 447, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 463

At the request of Mr. HATFIELD, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 466

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 466, a bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes.

S. 515

At the request of Mr. DOMENICI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 515, a bill to authorize appropriations out of the highway trust fund for Indian reservation roads for fiscal years 1992 through 1996.

S. 519

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 519, a bill to amend title II of the Social Security Act to exclude child care earnings from wages and self-employment income under the earnings test with respect to individuals who have attained retirement age.

S. 521

At the request of Mr. DANFORTH, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 521, a bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

S. 544

At the request of Mr. HEFLIN, the names of the Senator from Utah [Mr.

GARN], the Senator from Virginia [Mr. ROBB], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 544, a bill to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 601

At the request of Mr. SASSER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 615, a bill entitled the "Environmental Marketing Claims Act of 1991".

S. 651

At the request of Mr. GARN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 680

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 680, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 690

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 690, a bill to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to extend the boundaries of the corridor.

S. 715

At the request of Mr. BURNS, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 755

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. SYMMS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 755, a bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

S. 762

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 762, a bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative.

S. 768

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 768, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States and for other purposes.

S. 801

At the request of Mr. REID, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 801, a bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System.

S. 803

At the request of Mr. REID, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 803, a bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes.

S. 815

At the request of Mr. BROWN, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 815, a bill to amend the Public Health Service Act to provide for the establishment of an office of medical insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 882, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 to mandate a 4-year grant cycle and to require adequate notice of the success or failure of grant applications.

S. 884

At the request of Mr. PACKWOOD, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 890

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 890, a bill to reauthorize the Star Schools Program Assistance Act, and for other purposes.

S. 894

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 894, a bill to amend the Lanham Trademark Act regarding gray market goods.

S. 898

At the request of Mr. LEAHY, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 898, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes.

S. 911

At the request of Mr. KENNEDY, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from California [Mr. CRANSTON], the Senator from Florida [Mr. GRAHAM], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to expand the availability of comprehensive primary and preventative care for pregnant women, infants and children and to provide grants for home-visiting services for at-risk families, to amend the Head Start Act to provide Head Start services to all eligible children by the year 1994, and for other purposes.

S. 914

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their

right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 921

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 921, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 924

At the request of Mr. KENNEDY, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 924, a bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes.

S. 941

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 941, a bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes.

S. 951

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 951, a bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes.

S. 965

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 965, a bill to amend title 23, United States Code, and for other purposes.

S. 1034

At the request of Mr. HOLLINGS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1034, a bill to enhance the position of U.S. industry through the application of the results of Federal research and development, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from Delaware [Mr. ROTH], the Senator from Maine [Mr. MITCHELL], the Senator from Michigan [Mr. LEVIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. THURMOND], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 39

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. MACK] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991 as "National Awareness Month for Children with Cancer."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May 1991 as "National Foster Care Month."

SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Dakota [Mr. CONRAD], the Senator from Maine [Mr. COHEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. SYMMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 95, a joint resolution to designate October 1991 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 99

At the request of Mr. GLENN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating November 24–30, 1991, and November 22–28, 1992, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. SEYMOUR], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. GORTON], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from California [Mr. SEYMOUR], was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991, as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 134

At the request of Mr. BENTSEN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington, [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. BREAUX], the Senator from Ne-

braska [Mr. EXON], the Senator from Virginia [Mr. ROBB], the Senator from Georgia [Mr. FOWLER], the Senator from Mississippi [Mr. LOTT], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. SYMMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Colorado [Mr. BROWN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day."

At the request of Mr. COHEN, his name was added as a cosponsor of Senate Joint Resolution 134, supra.

At the request of Mr. PACKWOOD, his name was added as a cosponsor of Senate Joint Resolution 134, supra.

SENATE JOINT RESOLUTION 144

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. COATS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 144, a joint resolution to designate May 27, 1991, as "National Hero Remembrance Day."

SENATE RESOLUTION 30

At the request of Mr. PACKWOOD, the name of the Senator from Oregon [Mr. HATFIELD], was added as a cosponsor of Senate Resolution 30, a resolution to express the sense of the Senate that the Willamette Meteorite should be returned to the State of Oregon.

SENATE RESOLUTION 125—RELATIVE TO THE BICENTENNIAL OF THE APPOINTMENT OF THE UNITED STATES' FIRST AMBASSADOR

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 125

Whereas on February 21, 1791, the Senate gave advice and consent to the nomination of David Humphreys as Minister Resident from the United States to her most faithful Majesty and Queen of Portugal;

Whereas David Humphreys was a Connecticut son, decorated patriot and close friend of George Washington;

Whereas this appointment served as the opening chapter of United States diplomacy (Minister Resident being the direct precursor of Ambassador), and more specifically, of the United States' longstanding and honored relationship with Portugal;

Whereas Mr. Humphreys was presented at the Court of Lisbon as the Minister Resident to Portugal on May 22, 1791; and

Whereas the citizens of the towns of Derby and Ansonia, which once comprised Mr. Humphreys' town of Old Derby, take special pride in their native son, and are celebrating this important bicentennial: Now, therefore, be it

Resolved, That the Senate extends congratulations to the towns of Derby and Ansonia, Connecticut, on the occasion of the bicentennial of the appointment of David Humphreys as the United States' first Ambassador.

SENATE RESOLUTION 126—RELATIVE TO LINE-ITEM VETO

Mr. SMITH (for himself, Mr. COATS, Mr. MCCAIN, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 126

Whereas Federal spending and the Federal budget deficit have reached unreasonable levels;

Whereas the duty of the President under the Constitution to ensure that the laws are faithfully executed prohibits him from expending funds in excess of revenues;

Whereas a line-item veto would enable the President to eliminate waste from the Federal budget before considering cuts in important programs; and

Whereas without this line-item veto, the practice of attaching riders onto bills and resolutions has become widespread and is thwarting the intent of the framers of the Constitution that the President have veto power over any measure passed by both Houses of Congress: Now, therefore, be it

Resolved, That, for the purpose of determining the constitutionality of the line-item veto, the Senate encourages the President to execute a line-item veto.

• Mr. SMITH. Mr. President, when our Founding Fathers drafted section 7 of the Constitution, they had never seen a pork-laden supplemental appropriation bill, a continuing resolution, or a budget reconciliation measure. If they had, I am certain that George Washington, Benjamin Franklin, James Madison, and the other 52 delegates present at the Convention would be supporters of the line-item veto.

Today I am introducing a very simple, but necessary, resolution that would encourage the President to execute a line-item veto. In 1987, the Wall Street Journal ran an editorial by Stephen Glazier, a private attorney practicing in New York, asserting that presidents already have the power to line-item veto legislation. Since that time, constitutional scholars have debated the issue thoroughly to no avail. There is no consensus.

Clearly, this is an issue that needs to be resolved. The President should select an appropriate test case, execute a line-item veto, and send the matter to the Supreme Court. If he wins, the taxpayers can save a few billion dollars each year. If he loses, supporters of the line-item veto will know that enhanced rescission power, or an amendment to the Constitution is required to discipline the big spenders in Congress.

Mr. President, no one contends that a line-item veto will balance the budget. It will, however, put some fairness and common sense into the budget process. Last year, Congress appropriated $94,000 to conduct apple quality research. Is that something we should be spending money on while we pile up a $3.5 trillion debt? Of course not.

I urge my colleagues to cosponsor this resolution so that the constitutionality of the line-item veto can be definititely determined by the courts.•

AMENDMENTS SUBMITTED

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

HELMS AMENDMENT NO. 241

Mr. HELMS (for himself, Mr. SYMMS, and Mr. DOLE) proposed an amendment to the bill (S. 100) to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region, as follows:

On page 8, insert after line 14 the following new section:

(4) to assist the Central American governments in attaining the goal they have set for their countries of enacting difficult economic reforms necessary to achieve their stated, inter-related policies of stimulating productivity and investment, developing human resources, and reforming fiscal and monetary policies in order to allow the countries of the region to compete in world and regional markets, provided that such proposals meet minimum free market standards for creating economic conditions which will maximize the probability of a positive rate of return on investment on an after-tax, inflation-adjusted basis for domestic and foreign investors alike, conditions historically characterized by—

(A) privatization of state-owned economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations, taking into account the recommendations of "The Presidential Task Force on Project Economic Justice",

(C) simplification of regulatory controls regarding the establishment and operation of business,

(D) dismantlement of wage and price controls,

(E) removal of trade restrictions, including restrictions both on imports and exports,

(F) liberalization of investment and capital, including repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service agencies, as well as unrestricted access to private sources of credit; and

(I) access to a market for stocks, bonds, and other financial insurances through which individuals may invest in the private sector.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of

the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 23, 1991, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning S. 433, the Mining Law Reform Act of 1991, legislation which provides for the disposition of certain minerals on Federal lands.

Those wishing to submit written statements for the hearing record should deliver them to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Room 364, Washington, DC 20510. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 484, the Central Valley Project Improvement Act.

The hearing will take place May 30, 1991, beginning at 9 a.m. in the State Capitol Building, Sacramento, CA.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on "The SEC and the Issue of Runaway Executive Pay" on Wednesday, May 15, 1991, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on May 15, 1991, at 10 a.m. in SR-332. The hearing will adddress the implementation of the trade title of the 1990 farm bill. For further information, please contact Lynnett Wagner of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 14, 1991, at 9:15 a.m. to consider Senate Resolution 78, a resolution to disapprove the President's request for extension of the fast-track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974.

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

COMMITTEE ON ARMED SERVICES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 14, 1991, at 2 p.m., to receive testimony on the Strategic Environmental Research and Development Program, in review of the fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs, and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 14, 1991, at 9:30 a.m., for a hearing on "Investing in the Future: The Children's Investment Trust Act of 1991."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BIDEN. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., May 14, 1991, to consider S. 341.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 14, at 2:15 p.m. to hold a hearing on the Horn of Africa.

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

GOVERNMENTAL AFFAIRS COMMITTEE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, May 14, at 9:30 a.m., for a hearing on the subject: "Energy Efficiency in the U.S. Government."

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, May 14, at 9:30 a.m. to hold a markup on the foreign relations authorization legislation.

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

ADDITIONAL STATEMENTS

EARNEST BROWN, TRUMAN SCHOLARSHIP RECIPIENT

• Mr. PRYOR. Mr. President, recently a former summer college intern in my Washington office was chosen for the prestigious Harry S. Truman Scholarship. Earnest Brown, a junior public administration major in the College of Business Administration at the University of Arkansas at Fayetteville, was selected for this coveted prize.

The April 1991 edition of the UofA publication "University Reflections" ran an article about Earnest that I would like to share with my colleagues.

Mr. President, this fine young man is most deserving of this scholarship and I am proud to have had him as a part of my college intern corps.

The article follows:

TRUMAN SCHOLARSHIP REWARDS BROWN'S PUBLIC SERVICE GOALS

(By Shirley A. Marc)

Earnest Brown, a junior public administration student in the College of Business Administration is a living example of "the importance of being earnest." This young man from Fulton exudes an energetic brightness that's contagious.

Brown's intelligence, quest for knowledge and openness to new experiences won him the prestigious $28,000 Harry Truman Scholarship.

The national Truman Scholarship allows one winner per state. Awards are given to juniors working toward careers in public service. Each student must be in the top third of his class and have an exemplary record of public, government or community service; outstanding leadership potential; intellectual depth and strong analytical ability.

Brown's sensitivity to social issues showed in his qualifying essay on "Teenage Pregnancy: A Problem Facing the Country Today." He believes that education is the key to reducing teenage pregnancy and hopes that someday he will be able to help solve the problem. After graduation he will use part of his scholarship to puruse a law degree.

Last summer Brown served as an intern in Senator David Pryor's office. He has also served on the University Programs Committee as fine arts chair, the All-Student Judicial Board, the Cardinal XXX Honor Society as treasurer, the Phi Eta Sigma National Honor Society as vice president, the Arkansas Union Governing Board as secretary, the Black Student Association as secretary, and

the Young Democrats and was included on the National Dean's List for 1988–1989.

Currently, Brown is participating in an undergraduate minority fellow program sponsored by the National Association of Student Public Affairs with Dean of Students Suzanne Gordon.

He is the son of Shirley and Earnest Brown Sr. of Fulton.●

HONORING HORACE MANN MIDDLE SCHOOL

● Mr. KASTEN. Mr. President, I rise today to call to my colleagues' attention an example of educational excellence—Horace Mann Middle School of Sheboygan, WI.

Horace Mann Middle School is one of 222 exemplary high schools honored by the U.S. Department of Education's 1990–91 Blue Ribbon Schools Program.

Mr. President, all the students, parents, faculty, and administrators of Horace Mann Middle School—and especially Principal Warren Brewer—deserve credit for making it a Blue Ribbon School. I ask all my Senate colleagues to join me in congratulating them on their achievement.●

WILLIAM H. "BILL" BRANDON SELECTED ABA PRESIDENT-ELECT

● Mr. PRYOR. Mr. President, recently the nominating committee of the American Bankers Association has selected Mr. William H. "Bill" Brandon as president-elect of the ABA for 1991–92.

Bill is a member of the ABA's board of directors and co-chairs the Deposit Insurance Reform Committee. He is a past chairman and ex-officio member of the Community Bankers Council. In addition, he has held numerous posts with the Arkansas Bankers Association, serving as president for the 1983–84 year.

Bill is president of the First National Bank of Phillips County in Helena, AR. He is a graduate of Washington and Lee University and received his master's degree in business administration from the University of Mississippi.

Mr. President, the ABA's nominating committee can make no finer selection than Bill Brandon for this position. His principles and dedication to the banking industry are of the highest caliber.

I know the membership of the ABA will resoundingly give him their support at their October convention in San Francisco when the slate of officers are up for election.●

DR. RUDOLPH BRUTOCO, "A LIFE-SAVER"

● Mr. SEYMOUR. Mr. President, I ask the Senate to join me in acknowledging the contributions of my constituent, Rudolph Brutoco, M.D., M.P.H., in establishing and guiding the Life-Savers Foundation to fight leukemia and other deadly diseases by forming a voluntary network of bone marrow donors.

Since Dr. Brutoco founded Life-Savers on September 11, 1988, over 300,000 Americans have responded to the organization's plea for volunteers. Dr. Brutoco's goal in founding Life-Savers was to increase the available donor pool to the point where virtually anyone in need for a marrow transplant would have one in time.

Two or more life-saving marrow transplants now occur daily in this country. If marrow donors were not available, over 9,000 Americans would die needlessly each year.

I ask my colleagues' help in spreading the world that donating marrow is a safe and relatively simple procedure. It is painless because the procedure is done with light anesthesia. Only 5 percent of a donor's marrow is taken, and the marrow is entirely replenished in about 10 days. The donor resumes normal activities the following day.

Marrow is difficult to match and donors difficult to find. The odds that two unrelated persons will match are 1 in 20,000. For 75 percent of patients, there is no matching sibling and they must rely on a matching stranger to provide the gift of life. The need for volunteers to be tested for marrow type and placed on file for a possible future match to an individual awaiting a transplant goes on.

Dr. Brutoco's work and the work of the Life-Savers Foundation has made a tremendous combination to expanding the pool of bone marrow donors. Please join me in extending our greatest thanks to Dr. Brutoco and all the volunteers who have made his work possible.●

TRIBUTE TO LORETTA LEVER, NATIONAL MINORITY ADVOCATE OF THE YEAR

● Mr. PRYOR. Mr. President, during National Small Business Week, May 5–11, Loretta Lever of Little Rock, AR, was honored as the National Minority Advocate of the Year by the U.S. Small Business Administration.

Loretta's selection marks the first time that a resident of Arkansas has been so honored.

Loretta Lever is the regional coordinator of the NAACP's Fair Share Economic Development Program in Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

On May 2, she and other small business winners were honored at a luncheon in Arkansas sponsored by the Arkansas State Chamber of Commerce and Associated Industries of Arkansas, Inc.

Loretta was selected, according to the Small Business Administration, for the creativity she has displayed in advancing programs and in the visible and measurable economic advances occurring as a result of her advocacy activities.

Reared in Fordyce, AR, Loretta Lever graduated from the University of Arkansas at Pine Bluff and was on the staff on Southwestern Bell Telephone before going full time with the NAACP.

Lever works with business in her five-State area to encourage them to employ, promote, and do more business with minorities. She also negotiates Fair Share agreements, which promote minority purchasing policies and programs, affirmative action programs, and moving minorities into senior management positions.

She sponsored a "Minority Business Roundup" during Minority Business Week, giving minority entrepreneurs the chance to make contacts in the business community. She also hosts trade shows and workshops and has established a regional economic development council to train and provide technical assistance for minorities in local projects.

Mr. President, this Nation's small business community needs more giving individuals like Loretta Lever. She is a role model for aspiring minority entrepreneurs who has dedicated her professional career to improving the plight of black businesses. I am proud to represent her in the U.S. Senate and wanted to bring her many accomplishments to the attention of my colleagues.●

IN RECOGNITION OF JOHN J. KEATING

● Mr. SEYMOUR. Mr. President, on Thursday, May 16, 1991, Mr. John J. Keating will be honored by the Anti-defamation League of B'nai B'rith as the recipient of its 1991 Outstanding Industry and Community Service Award.

Mr. Keating is being honored for his outstanding professional accomplishments, concern and commitment to the community. I am proud to join with the ADL in recognizing his contributions.

The ADL is the leading human rights agency in the country. It has a 78-year record of fighting bigotry and discrimination and working to ensure equal treatment for all Americans, regardless of race, creed, ethnic origin, or sex.

In honor of Mr. Keating, I ask that his biography be printed in the RECORD.

The biography follows:

John J. Keating is an industrious banker known throughout his industry for his competence and knowledge. A graduate of Queens College, he currently serves as President and Chief Executive Officer of CU Bancorp and Chairman of the Board and Chief Exceutive Officer of California United Bank, N.A. Prior to joining California United in 1982, he was a Regional Vice President of Union Bank and served in various executive capacities with Union Bank since 1975. From 1968 to 1973 he was with Bankers Trust Company in New York.

John is a compassionate person with a deep concern for the well-being of others. He has translated this concern into service to his community. John was the President of the Board of the Boys & Girls Club of San Fernando Valley for two years and currently serves as Vice President. He is a member of the Board of Trustees of the Southern California Chapter of the Multiple Sclerosis Society. He has served on the Board of Trustees of Sherman Oaks Hosptial and The Organization for the Needs of the Elderly. John was honored by the City of Hope in 1986 with the Spirit of Life Award.

John and his wife, Florence, who live in Bell Canyon, are the parents of three children.

The Anti-Defamation League takes great pride in honoring John J. Keating with the 1991 Outstanding Industry and Community Service Award.●

TRIBUTE TO WILLIAM H. BOWEN

● Mr. PRYOR. Mr. President, last December several hundred people gathered in the lobby of the First Commercial Corp., in Little Rock, AR, to pay tribute to William H. Bowen.

The occasion was Bill's retirement after 20 years with First Commercial and its predecessor, Commercial National Bank. Fortunately for First Commercial, Bill will remain on the board of directors and act as consultant to the $2 billion-asset bank holding company.

Bill's contribution to the banking industry and to the civic community to which he has devoted so much time and energy are immeasurable.

Bill Bowen was the driving force behind the formation of the First Commercial National Advisory Board. It is made up of native Arkansans who have gone on to become national business leaders who meet once a year to tackle problems unique to Arkansas. Recently, that board announced the formation of the Arkansas Research Center, a think tank. Bill plans to spend a good deal of time in his retirement devoted to the work of the center.

An avid aviation buff, Bill is chairman of a campaign to raise money for a proposed aviation-related high school and museum to be built at the Little Rock Regional Airport. At that December gathering, it was announced that a theater inside that complex would be named the William H. Bowen theater.

Mr. President, these few words are far from adequate in expressing the impact that Bill Bowen has had on our State. I wish him a long and prosperous retirement. And I also know that Bill has never been one to sit back and let the young fight for causes on behalf of our State. We shall be hearing more from him.

I am proud to represent fine citizens like Bill Bowen in the Senate and I am especially proud to call him my friend.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 1991.

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 1991 and is current through May 9, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508). 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 Senate Concurrent Resolution 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 6, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG, 1ST SESS., AS OF MAY 9, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	[3]
1991–95	4,690.3	4,690.3	[3]
Maximum deficit amount	327.0	326.6	−.4
Direct Loan Obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,347.9	−797.1
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT, FOR THE U.S. SENATE, 102D CONG, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS MAY 9, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues	.....	.....	834,910
Permanent appropriations and trust funds	725,105	633,016	.....
Other legislation	664,057	676,371	.....
Offsetting receipts	−210,616	−210,616	.....
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)	.....	.....	−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	.....
Dire Emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	.....
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	.....
Total enacted this session	3,828	1,406	−1
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 revised on-budget aggregates	−8,572	539	.....
VI. Economic and technical assumption used by committee for budget enforcement act estimate	15,000	31,300	−29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution	.....	.....	.....
Under budget resolution	413	380	1

Note.—Numbers may not add due to rounding.●

CARPENTER FAMILY OF GRADY, AR: FARMING KEEPS THEIR DREAMS ALIVE

● Mr. PRYOR. Mr. President, in this year's edition of the USDA Agriculture Yearbook, the Carpenter family of Grady, AR, were highlighted.

Abraham and Katie Carpenter run what can truly be called a family farming operation. With the help of the Cooperative Extension Service and its programs, the Carpenters have a thriving fruit and vegetable farming operation.

I would like to share with my colleagues the excerpt from the 1990 Yearbook of Agriculture about these fine Arkansans.

The excerpt follows:

THE CARPENTER FAMILY: FARMING VEGETABLES AND FRUIT KEEPS THEIR DREAM ALIVE

Most people in Grady, a small community in southeastern Arkansas with a population of about 400, boast often about a unique farm family in their midst. This family has survived, living on the farm and growing vegetables and small fruit, for the past 15 years, while many others around them have failed at farming.

What is it that makes this family so special and so successful? Why have they succeeded at farming while others have not?

Abraham Carpenter, Sr., his wife Katie, and members of their family were close to losing their farm during the early 1970's, attempting to grow cotton and soybeans as a means of survival. They managed to secure a few dollars to keep their heads above water by selling peas grown on a quarter-acre plot adjacent to the family home. Then the Carpenters bought a small tractor and expanded the garden plot to 3 acres.

"In 1973, we were selling our produce out of our old car on a department store parking lot in Pine Bluff," Katie recalls. "We sold peas to roadside markets, but at that time we could only get about $1.75 per bushel." Today, peas bring between $4 and $12 per bushel, depending on the variety and time of year.

EXTENSION LENDS A HELPING HAND

Times would get better for the Carpenters, as people at the Cooperative Extension Program at the University of Arkansas at Pine Bluff (UAPB) played a vital role in helping them toward upward mobility. More important, Extension helped them keep alive their dream . . . that of staying on the family farm. "Everybody in the family wants to stay on the farm," says Katie. "The kids enjoy it and they make a living."

Abraham, Sr., who started this operation some 15 years ago, has turned the day-to-day marketing and other managerial aspects of the family business over to Abraham, Jr., who joined the business full time 8 years ago. But in this family everybody knows that Abraham, Sr., is still the boss. He presides over operations on the farm. "I decide who works in the fields and who goes to market in Pine Bluff and Little Rock," he says. "I usually stay in the field and monitor the irrigation of produce along with other duties."

Over the years, the UAPB Extension program has helped the Carpenters stay on the farm by assisting them in expanding and diversifying their meager 3-acre farm into a thriving 450-acre operation. Extension specialists and agents advised them on which vegetables to plant, how to fertilize, and which pesticides to use for weed and insect control, as well as the latest irrigation techniques, how to keep records, and the importance of soil testing. They also helped the Carpenters select the best kind of land to buy when the family made the decision to expand the operation.

The Carpenters now produce and market an impressive array of high quality vegetables and small fruit—including turnip greens, peas, okra, squash, Irish potatoes, sweet potatoes, blackberries, muscadines, spinach, broccoli, carrots, peppers, cucumbers, onions, peanuts, radishes, and mustard—to various markets throughout the State.

"We secure most of our own markets, which include the Pine Bluff and Little Rock farmers' markets, supermarkets, local restaurants, and some out-of-State outlets," says Abraham, Jr. The supermarket connections provide the volume and cash flow the Carpenters need to support an operation of this magnitude. Even though they have established themselves with the larger buyers, they still remain loyal to the farmers' markets, which account for about 55 percent of their income.

A HARD ACT TO FOLLOW

The Carpenters are an exception rather than the rule among vegetable farmers. Although many vegetable operations are family oriented, the Carpenters are probably in a class by themselves, as they involve all family members in cultivating, harvesting, and marketing vegetables and small fruit from their 450 acres. About 5 years ago, the Carpenters farmed 50 to 60 acres, all in vegetables.

"The decision was made to expand substantially when my younger brothers finished high school and decided to join the family business," recalls Abraham, Jr. "Our total family income is generated from our vegetable and small fruit operation."

With the help of UAPB Extension, the Carpenters have been able to grow in an organized manner. They have purchased a state-of-the-art vegetable washing and cleaning machine and four late-model refrigerated vans to carry their produce to market. They have devised an innovative method of cooling their vegetables, using an ice machine prior to going to market, and have had their land leveled using a precision laser technique that has reduced runoff and thus improved their irrigation system. Their watering system—a 160-foot well and tractor-powered pump, pipe for furrow irrigation, and a sprinkler system for spot irrigation—paid for itself in 7 years.

The Carpenters are a close-knit family and dedicated to their family business. The dedication is evident as it takes 16-hour days on the part of most family members to keep their large operation going. Most work days begin at 2:00 a.m. for the working crew, which numbers about 25. Abraham, Jr., his seven brothers and sisters, and other relatives by marriage make up this unique group. Katie prepares the meals while one or two of the younger daughters babysit the young.

The Carpenters' success can be traced to the family's work ethic, togetherness, a willingness to listen to recommendations from the Extension Service, and the insight to update their production and marketing techniques as new technology becomes available.

However, it is their unique family structure that contributes most to the success of the Carpenters. It is something special that is rarely found among American families today.●

TRIBUTE TO ROBERT BIGWOOD

● Mr. DURENBERGER. Mr. President, I rise today to salute an outstanding Minnesotan, Mr. Robert M. Bigwood. On Sunday, May 19, Bob Bigwood is receiving one of the highest accolades life can offer: the recognition, appreciation, and gratitude of friends and neighbors. He is being presented with the Fergus Falls Award of Honor.

A native of St. Thomas, ND, Bob moved to Minnesota after serving during World War II as a meteorologist in the U.S. Army Air Corps. He earned a degree in business administration from the University of Minnesota. Bob has, literally, been a powerhouse in Fergus Falls since he arrived in 1948 to work for the Otter Tail Power Co. He is an integral part of the company and the community. He shares his success with his wife Barbara and five children: Robert, Jr., Janet, Patricia, Chuck, and John.

Robert Bigwood signed on with the Otter Tail Power Co. as assistant personnel director; became the personnel director in 1949; moved to manager, employee relations, in 1962; to vice president in 1974; to president in 1975. He was elected to the board of directors in 1976 and to chairman of the board in 1982. Over the years, Bob has guided the company through the growth of expanding electric power capabilities and demands.

Bob's philosophy focuses on people rather than things. He has nurtured the company's reputation of being involved in civic affairs. The numerous organizations that Bob has been a member of proves that he gains satisfaction and enjoyment from the fellowship of serving people, and each has benefited from his talents and insight. He is active in the Methodist Church. He has been past president of the Fergus Falls Junior Chamber of Commerce, national director of the Jaycees, president of the Fergus Falls Chamber of Commerce, director and president of the Minnesota Chamber of Commerce, and a president of the Fergus Falls Kiwanis Club. For many years, Bob has been active in the United Fund, Courage Center, Fergus Falls YMCA, and Home Owners Savings Bank.

State and national organizations also seek Bob's participation and advice on a variety of issues. He served on the board of directors of the Edison Electric Institute and the Electric Information Council. Bob also served on the Minnesota State Advisory Committee and Task Force on Vocational Rehabilitation. He was a member of the Governor's Commission on Drug Abuse under Gov. Harold LeVander. Bob also has a history of activity in politics. He was chairman of Minnesota's Seventh Congressional District Republican Committee, vice chairman of the Republican State Central Committee, and delegate to the National Republican Conventions in 1964 and 1968.

Youth work and education capture Bob's attention, too. He has been heavily involved in the Boy Scout movement. And he is on the board of trustees for the North Dakota State Council of Economic Education and the Minnesota State Council of Economic Education. Perhaps one of his most visible accomplishments for education is the operation of the Fergus Falls Junior College. He is president of the college's

foundation board, and recently he was named to the Minnesota Community College Board.

Bob will continue to be active in retirement. Bob has served his neighbors with dedication, energy, and care. He truly deserves the Fergus Falls Award of Honor.●

TRIBUTE TO DR. HERMAN B. WELLS

● Mr. LUGAR. Mr. President, I rise today to introduce my colleagues to the chancellor of Indiana University, Dr. Herman B. Wells. On May 29, Dr. Wells will receive the B'nai B'rith's Great American Traditions Award. This award is given to individuals who have made significant contributions to mankind and to the quality and character of life in their communities.

Despite the very real demands made on him as former president, and now chancellor of Indiana University, Dr. Wells has dedicated a lifetime to humanitarian service. He has guided Indiana University into an important center of intellectual life. Alumni will recall him as a devoted teacher and adviser. Among fellow academics, he is known for his passionate defense of quality education which has contributed to Indiana University's reputation for advancing forums for the free exchange of ideas.

His professional life has been marked by scholarly achievements and a fervent drive for social change. His devotion to Indiana and the Nation, his caring for our cultural institutions and support for education have helped enrich our human development. His continuing involvement with civic and public service programs on a national and international level exemplify his spirit of altruism. His wise counsel and uncommon achievement have been recognized with numerous honors from some of the country's most respected institutions, including 26 honorary degrees.

Dr. Herman B. Wells is a man who adds to the dignity of mankind. I am proud to serve as an honorary chairman for the B'nai B'rith Great American Traditions Award in the company of Vice President DAN QUAYLE; Indiana Gov. Evan Bayh; my colleague Senator DAN COATS; Indianapolis Mayor William Hudnut; Thomas Ehrlich, president of Indiana University; Dr. Steven C. Beering, president of Purdue University; Rev. Theodor M. Hesburgh, CSC, president emeritus, University of Notre Dame; Richard B. Stoner, president Indiana University Board of Trustees as well as the general chairman Milton "Josh" Fineberg and Gerald Kraft.

I ask my colleagues to join me in saluting Herman Wells for his leadership and B'nai B'rith for continuing its 148-year tradition of concern for education, culture, and service to community, as well as its dedication to human dignity and interreligious understanding.●

REFUGEE SUPPLEMENTAL

● Mr. LEAHY. Mr. President, on Thursday, May 9, the Senate passed H.R. 2251, the emergency supplemental request for Iraqi refugee relief and to replenish emergency and disaster assistance accounts which had been depleted to provide urgent assistance to the Kurds and other refugee and disaster needs.

An amendment drafted by Senator KASTEN and me revising chapter II of that bill was adopted by the Senate and is correctly incorporated in the engrossed bill returned to the House. However, inadvertently an incorrect version of the amendment was printed in the CONGRESSIONAL RECORD which appeared on pages S. 5677 and S. 5697. Today, I would like to correct the RECORD by asking that the version of Senator KASTEN's and my amendment as correctly adopted by the Senate be printed in the RECORD at the conclusion of my remarks.

Mr. President, as coauthor of the amendment with Senator KASTEN, I would like to note the following for the Record. The bill makes available a total of $235,500,000 for emergency purposes. Of this amount, $150,500,000 will be used for emergency purposes in the Persian Gulf region. Under the language of section 203 of the bill, we anticipate that $85 million will be available to replenish accounts from which assistance was provided prior to the enactment of this act, not limited to the amount of such assistance provided in the gulf region. Nor is the language of section 203 limited to costs actually incurred before enactment of this act, and thus these funds could be used to replenish amounts that have been committed even if not yet obligated or expended. These funds could then be used under the broad authorities applicable to the disaster assistance and emergency refugee and migration assistance accounts. It is anticipated that the total amount of assistance provided for emergency purposes in the Persian Gulf region for fiscal year 1991 will exceed $235.5 million.

The amendment follows:

On page 4, line 24, strike all after the period through the period on page 9, line 16, and insert in lieu thereof:

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, $235,500,000, to be derived only from the interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance," "Migration and Refugee Assistance," "United States Emergency Refugee and Migration Assistance," and "Contributions to International Peacekeeping Activities," as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance," $67,000,000, to remain available until expended.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Migration and Refugee Assistance," $75,000,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further*, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund," $68,000,000, to remain available until expended: *Provided*, that the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Contributions to international peacekeeping activities," $25,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and

training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.●

TRIBUTE TO MR. AND MRS. LEACH

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an outstanding couple who have dedicated their lives to helping children. Essie and Hallie Leach are a husband and wife team from New Jersey who have been foster parents to over 200 children.

Taking care of over 200 children is a remarkable accomplishment. With each child, the Leaches have given generously of their love, their time and their own financial resources. Many of the older children have come from troubled backgrounds and the younger children have required constant attention. The Leaches have provided hands to hold and shoulders to lean on.

Mr. Hallie Leach is the pastor of Little Rock Holiness Church in Elizabeth, NJ. Mr. Leach, I am told, has been known to take over half an hour to proudly display the pictures in his wallet of his foster children. He is an exceptional human being and a true role model not only for the children, but also for foster parents.

Although Essie Leach was not able to grow up in a traditional family, she has opened her heart and her door to all children regardless of their nationality, physical condition, and background. Essie is mama to scores of children and her presence in these young lives has had an incredible impact. She possesses the patience and compassion that is needed to make foster children feel loved. Mr. and Mrs. Leach have won the respect and appreciation of those administering the State's foster care program.

Mr. President, giving of ourselves is the greatest gift we have to give. It is an honor to have the Leaches as constituents and I commend them for their dedication to children in need. I ask that an article about Mr. and Mrs. Leach be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the News Tribune, Dec. 27, 1990]

GUIDING LIGHT IN ISELIN

(By Mark S. Porter)

Christmas lights and wreaths adorn a modest Iselin house, but the true spirit of the season is inside.

This house belonging to Hallie and Essie Leach, married for 48 years, has been home, a true home, for scores of foster children through the years.

Hallie, 69, the pastor of Little Rock Holiness Church in Elizabeth, and his wife, Essie, 64, have had the patience to abide with, by their count, at least 219 youngsters from troubled families, and the love and wisdom to steer the children in proper directions.

It hasn't always been easy, of course, but the Leaches would not have it any other way.

Hallie said he and Essie have been foster parents for the past 39 years, starting with an 11-month-old infant when they lived in North Carolina before moving to the Iselin section of Woodbridge 18 years ago.

They have never had a child born to themselves, but they have adopted three children, including one who lives with them. They now are the foster parents for five other youngsters.

Sometimes the child's stay with the Leaches has been brief, and sometimes the child has grown up with Essie and Hallie.

"Our average child would stay with us until they get out of high school. After they get out, I would help set them up with their own place," Essie Leach said.

"They mostly have done pretty good out on their own," he said. "It's like a rabbit when you throw'em in a briar patch."

David Wesley grew up in the Leaches' home from the age of 5 to 17, when he enlisted in the U.S. Army. He now lives in the Avenel section of Woodbridge, plays bass guitar in the reverend's church, and is a frequent visitor to the Leach home.

"I know I had a real mother, but I still believe they [the Leaches] are my parents," Wesley said. "To me, it was a normal family. But we were closer than the average family. It didn't take long for us to come together and stick together."

Wesley described Essie and Hallie Leach as guiding forces in the lives of the foster children.

"They are strong people. He's always on the move, he never sits still for long. I can come over when I'm feeling a little down and, after looking at them, before long I feel better," Wesley said.

"I've seen him give his last dime when it was needed," Wesley said. "The man upstairs watches out for them. There should be more people like them around."

While Leach said he has been a foster parent to "all kinds, all colors, all nationalities," he said the children share one trait: They often arrive at his door with deepseated troubles.

"They hold it against you for the problems they have. They are mad at the world," Leach said, "If you ain't got patience, you can't do it."

Wesley said the childhood anger comes from fear and frustration, longing and a loss of love.

"A lot of it stems from your real parents giving you up," Wesley said. "I felt neglected and unwanted. Hey, if your real parents don't want you then heck, who wants you?

"They made me feel wanted," Wesley said of Essie and Hallie Leach.

"We were taught to get what we needed, not what we wanted," Wesley said of his upbringing in the Leach household. "That upbringing was very good for us."

As a young man, Hallie Leach worked in North Carolina, earning 50 cents for working 16 hours a day, plowing fields and picking cotton.

"She came to live with her uncle," Leach said of his future wife. "He was working for the same people I was working for. For three years Hallie romanced her, and when she turned 17 in 1943, they were married.

"The Bible says every generation gets weaker and wiser. You see kids today who are 10 years old having sex and doing drugs and killing people. This girl I married, I went three years without so much as laying a finger on her until the time was right."

According to Leach, there are caring people who have assisted his family, and numerous area business people who've given them aid.

"I want to thank Woodbridge for being so nice to us. I love my community. Thank God for my wife for helping me through these years, for the work we have done together," he said.

"It's been a lot of fun," Hallie Leach said of his foster children. "I have never regretted it. Every year, it gets better and better.

"You're only passing through once," he said. "You better do all you can, while you can, while you're passing through."

"I'm definitely proud of both of them," Wesley said. "We could never repay them for all they have done."●

IN SUPPORT OF THE CIVIL RIGHTS ACT OF 1991

● Mr. SIMON. Mr. President, I rise today to express my strong support for the Civil Rights Act of 1991 and to share with my colleagues a resolution of support from the Illinois House of Representatives.

Passing the Civil Rights Act of 1991 is more than just a statement from Congress that employment discrimination is wrong and that victims of discrimination are entitled to their day in court. Passing the Civil Rights Act of 1991 will bring real relief to employees who have been subject to sexual harassment or who have been discriminated against in hiring or promotion.

This week, I received a copy of a resolution approved by the State of Illinois House of Representatives in favor of the Civil Rights Act of 199.. Illinois House Resolution No. 369 underscores that "in order for Illinois and the Nation to survive in the international marketplace, we must utilize the talents of all citizens." I agree. Minorities and women are entering the work force in ever increasing numbers. We can not afford to have millions of people in the work force who are without recourse to basic protections against discrimination.

The Illinois House resolution also states, "Minorities, men and women, deserve an equal opportunity to work and an equal opportunity to advance." That is what the Civil Rights Act of 1991 stands for. The Civil Rights Act helps ensure that the most qualified person gets the job or the promotion and is not kept back by discrimination based on race, gender, religion, disability or age.

I ask that the previously described resolution be printed in the RECORD.

The resolution follows:

HOUSE RESOLUTION NO. 369

Whereas, employment is the backbone of a healthy society; and

Whereas, there are 120 million workers in the United States, 54 million are women, and 16 million are minorities; and

Whereas, these groups need adequate protections against discrimination as their participation in the workforce increases; and

Whereas, the Civil Rights Act of 1990 would have removed barriers which stand in the way of minority integration into the work force, but the Republican Party, led by President George Bush, opposed the enactment of these fairness principles; and

Whereas, minorities, men and women, deserve an equal opportunity to work, and an equal opportunity to advance; and

Whereas, in order for Illinois and the nation to survive in the international marketplace, we must utilize the talents of all citizens; and

Whereas, the federal Civil Rights Act of 1990 would have restored and strengthened civil rights protections, assuring that victims of intentional discrimination have judicial recourse, but were vetoed by President Bush; and

Whereas, President Bush' veto of the Civil Rights Act of 1990 has prevented victimized employees, not only in Illinois but nationwide, from protection against discrimination based on gender, age, religion, disability or race; and

Whereas, the Civil Rights Act of 1990 has been reintroduced in Congress as H.R. 1; and

Whereas, as duly elected officials, it is our sworn duty to uphold the Illinois Constitution which prohibits all forms of discrimination; therefore be it

Resolved, by the House of Representatives, of the Eighty-Seventh General Assembly of the State of Illinois, That we urge the members of the Illinois Congressional Delegation to support H.R. 1 so that the rights of all citizens are protected, and be it further

Resolved, That we further urge President Bush to end his opposition to these important protections of law and to give his support to the Civil Rights Act of 1991; and be it further

Resolved, That suitable copies of this resolution be presented to each member of the Illinois Congressional Delegation.•

A TRIBUTE TO PROJECT UPTOWN—A PROJECT IN THE WAR ON DRUGS AND CRIME THAT WORKS

• Mr. D'AMATO. Mr. President, recently the FBI reported the alarming fact that our already very high violent crime rate increased by another 10 percent last year, with robbery up 11 percent, rape up 9 percent, and murder and aggravated assault both up 10 percent.

While the Nation's robbery rate increased 11 percent last year, one project instituted by the Bureau of Alcohol, Tobacco and Firearms [BATF] with the New York Housing Authority Police [NYHAPD] helped reduce the robbery rate by 40 percent in the area where it operates, HAPD Police service area Nos. 5 and 6 in Harlem.

This project, Project Uptown, targets the use of firearms by violent criminals involved in narcotics-related crimes in public housing. In the year since it began on March 1, 1990, Project Uptown has proven a model of cooperation between Federal and local officials. The commitment of the New York Housing Authority and its police has been full and decisive.

Besides helping to reduce the robbery rate, Project Uptown has produced these other impressive results: 90 search warrants executed; 307 arrests; 53 firearms recovered or seized; $89,214 in currency seized or recovered; 5 vehicles seized; 8,693 vials of crack cocaine seized; 2,200 one-half grams of crack seized; 7.5 ounces of crack recovered; 7.0 ounces of cocaine powder recovered; 159 one-half grams, tins, of cocaine recovered; 706 vials of cocaine powder recovered; 7.0 ounces of heroin recovered; 638 glassine packages of heroin recovered; 40 fluid ounces of PCP recovered; and 20 ounces, powder, PCP recovered.

Incredibly, despite these achievements, the fiscal year 1992 budget request for BATF actually proposes an $884,000 cut in the $1,860,000 budget for Project Uptown. That is exactly the kind of cut we cannot tolerate. It must not and it will not stand.

In closing, Mr. President, I would like to commend Steve Higgins, the Director of BATF; Charles Thomson, the special agent in charge of BATF operations in New York; and Senators DECONCINI and DOMENICI, whose support for Project Uptown in the Treasury Postal Appropriations Subcommittee have been absolutely crucial to the success of this program. As the Congress searches for more effective ways to fight back against our national crime emergency, it would do well to look to Project Uptown, a real model that works. As our worsening crime rate shows, this country needs not one, but literally hundreds of Project Uptowns.•

LEAD EXPOSURE REDUCTION ACT OF 1991—S. 391

• Mr. JEFFORDS. Mr. President, next month, I anticipate that the Environment and Public Works Committee will mark up Senator REID'S Lead Exposure Reduction Act. I am proud to be a cosponsor of this initiative. Too many children are being injured by lead in their environment. We need to take action now and I urge my colleagues to support this bill.

In deciding to cosponsor this bill, I wondered that future generations might think of this legislation. Would they think we acted wisely by trying to limit the distribution of lead in our environment. I believe they would.

Looking back through history, I find that past generations have faced this dilemma before. I would like to quote from a 1921 article in the Journal of the American Water Works Association by George A. Johnson. Mr. Johnson states that in the 1890's, "1 in every 35 persons in the United States contracted typhoid fever, but the lay public say nothing particularly alarming in that, reasoning that about so many people every so often were destined to enter the realm of darkness by reason of various and sundry disorders * * *. But a few men, more given to serious thinking than their fellows, and more skilled in the arts and sciences, took counsel among themselves and decided that the existing state of affairs was entirely unseemly."

Mr. President, the present state of affairs is entirely unseemly. Three million children are being lead poisoned and few seem particularly alarmed by this. While few may be dying, many will be entering a different realm of darkness—a realm where they cannot compete for tomorrow's jobs because they are educationally impaired today. To my colleagues I ask, let us be those few men, more given to serious thinking, and take counsel among ourselves. Let future generations believe that we did our jobs well.

It is not my goal in supporting this bill to put the lead industry out of business. Lead has many vital uses for which there is no substitute. These uses are protected in the bill. While some additional changes to the bill may be necessary, I strongly urge my colleagues to support this bill.•

U.S. ARMY CORPS OF ENGINEERS

• Mr. GORTON. Mr. President, it is with great honor that I rise today to pay tribute to the U.S. Army Corps of Engineers. This distinguished group is being awarded the 1991 Outstanding Civil Engineering Achievement Award for the massive recovery effort on Mount St. Helens after the May 18, 1980, eruption.

This award, presented yearly by the American Society of Civil Engineers, recognizes engineering projects that demonstrate outstanding engineering skills and represent the greatest contribution to civil engineering society in the country.

Mr. President, much of the work done by the corps will never be seen. During the past 10 years since the devastating eruption, they have worked to insure that floods will not occur, homes and communities will not be destroyed, and economic losses will not transpire. They have added stability to a region that not long ago was living in the shadows of disaster.

The 1980 eruption unleashed massive destruction on the Pacific Northwest. The volcano ejected billions of cubic yards of debris, rock, mud, and ash; but, this was only the beginning. The corps responded immediately to the challenge of maintaining control in an uncontrollable time and region. Today, the Mount St. Helens area is once again peaceful.

The corps consistently treated the volcano as a unique natural laboratory. Through studying the effects of exploration and construction on water quality and monitoring the natural recovery of fish, wildlife, and plant species, we have gained invaluable knowledge.

Mr. President, for many scientists, this experience created a window of opportunity. They looked at disaster and constructed building blocks for the future. As a result, the international scientific and engineering community now have a wealth of new information and technology available to them.

Mr. President, I commend the U.S. Army Corps of Engineers for their diligent respect for the Mount St. Helens region. It is an inspiration to recognize the immense success they accomplished both for the scientific community and for the residents of the Pacific Northwest. I am pleased to honor and congratulate the U.S. Army Corps of Engineers as the recipient of the 1991 Outstanding Civil Engineering Achievement Award.●

REMOVAL OF INJUNCTION OF SECRECY

Mr. BIDEN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (Treaty Document No. 102-4), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, an Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at London on June 29, 1990, by the Second Meeting of the Parties to the Montreal Protocol. I am also enclosing, for the information of the Senate, an unofficial consolidated text of the Montreal Protocol that incorporates the Amendment, as well as the adjustments also adopted on June 29, 1990, under a tacit amendment procedure, which provide for a phaseout of CFCs and halons by the year 2000. The report of the Department of State is also enclosed for the information of the Senate.

The principal features of the Amendment, which was negotiated under the auspices of the United Nations Environment Program, are the addition of new controlled substances (other CFCs, carbon tetrachloride, and methyl chloroform), reporting requirements on transitional substances (HCFCs), and provisions concerning financial and technical assistance to developing countries to enable them to meet their control measure obligations. As such, the Amendment, coupled with the adjustments, will constitute a major step forward in protecting public health and the environment from potential adverse effects of stratospheric ozone depletion.

The Amendment enters into force on January 1, 1992, provided that 20 Parties to the Montreal Protocol have deposited their instruments of ratification, acceptance, or approval. Ratification by the United States is necessary for effective implementation of the Amendment. Early ratification by the United States will encourage similar action by other nations whose participation is also essential.

I recommend that the Senate give early and favorable consideration to the Amendment and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *May 14, 1991.*

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to section 2553 of Public Law 101-647, appoints the following individuals to the National Commission on Financial Institution Reform, Recovery, and Enforcement:

The Honorable Joseph Califano, of the District of Columbia; and

Dr. Robert E. Litan, of the District of Columbia.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the chairman and ranking minority member of the Committee on Energy and Natural Resources, pursuant to provisions in Public Law 101-628, appoints the following individuals to the Civil War Sites Advisory Commission:

James McPherson, of New Jersey;
Ken Burns, of New Hampshire; and
William J. Cooper, Jr., of Louisiana.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and pursuant to Public Law 99-498, as amended by Public Law 101-324, appoints Mr. Peter M. Leslie, of Maine, to the National Commission on Responsibilities for Financing Postsecondary Education.

The Chair, on behalf of the majority leader, with the concurrence of the Speaker of the House of Representatives, pursuant to Public Law 99-660, as amended by Public Law 100-436, announces the selection of the Honorable Ann Richards, Governor of Texas, to serve as a representative of State government on the National Commission on Infant Mortality.

APPOINTMENT OF CONFEREES—H.R. 707

The PRESIDING OFFICER. Under the authority granted on April 18, the Chair appoints the following Senators to serve as conferees on H.R. 707, the Commodity Futures Improvements Act of 1991.

The Presiding Officer appointed Mr. LEAHY, Mr. BOREN, Mr. HEFLIN, Mr. CONRAD, Mr. LUGAR, Mr. DOLE, and Mr. COCHRAN conferees on behalf of the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

CHEMICAL WEAPONS

Mr. PELL. Mr. President, I welcome President Bush's announcement that the United States is prepared to forswear retaliation with chemical weapons against chemical attack. This is a profound change in the United States' position—a change I have long advocated. I also welcome the President's statement that we are prepared to agree to destroy all of our chemical weapons stock. These decisions put the United States in the forefront of nations seeking a multilateral agreement to banish chemical weapons from the face of the Earth.

The President has drawn on the gulf war experience, in which we faced a foe with a large chemical weapons stockpile, to decide that the United States does not need chemical weapons or the ability to threaten their use in order to deal militarily with threats to us and our allies. Any nation that considers using chemical weapons should know that although we will not turn to chemical weapons, such an attacker will, nonetheless, pay a very heavy price.

The President will receive strong bipartisan support for this initiative. We all want an early conclusion of the Geneva talks. The Committee on Foreign Relations will receive testimony on this subject May 22 from Ambassador Ronald Lehman, the Director of ACDA, and Ambassador Stephen Ledogar, Chief Negotiator at the Conference on Disarmament in Geneva.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

THE CONFIRMATION OF WILLIAM FREMMING NIELSEN AND FREDERICK VAN SICKLE

Mr. GORTON. Mr. President, I take this opportunity to congratulate William Fremming "Frem" Nielsen and Frederick Van Sickle on their confirmation and appointment to the Federal District Court for the Eastern District of Washington State. They are two of the finest judicial candidates Washington has to offer, and I am con-

fident they will prove to be superb Federal judges.

A selection committee suggested by the president of the Washington State Bar Association recommended Frem Nielsen and Fred Van Sickle to me from a pool of 14 highly qualified applicants. The speedy and unanimous confirmation by the Senate testifies to the high quality, intellect, and high moral standing of these two judges.

In addition to superb individual qualifications, these two men uniquely bring two diverse yet complementary backgrounds and views to the court. Their joining the same Federal bench yields a result that truly is greater than the sum of its parts.

Judge Van Sickle has spent the great bulk of his career in public life. He practiced law in a county seat of a thinly populated area in central Washington, a town of fewer than 1,000 people. He was elected prosecuting attorney for Douglas County and subsequently appointed by then Governor, later Senator, Dan Evans to the superior court, where he has served for more than 15 years. He became one of the outstanding superior court judges in the State of Washington, and will bring his judicial skills and experience to the Federal bench.

Frem Nielsen, in an exquisite balance, comes from Spokane, the largest city in the Eastern District of Washington. He is one of a relatively small number of Washingtonians who began his life and education in Seattle and moved to the eastern part of the State, where he has long been a member of one of the region's most distinguished law firms. He has involved himself in the affairs of that community in a way which has contributed both to the growth of Spokane and to making it a better place in which to live. He truly is one of that city's outstanding citizens, as well as one of its outstanding legal practitioners. I know his career on the Federal bench will be no less exemplary.

Mr. President, I wish to thank my colleagues in the U.S. Senate and especially those of the Senate Committee on the Judiciary. The timely confirmation of these two judges provides my home State with remarkable and competent public servants, and for this, I appreciate the efforts of this body. They will serve the eastern district of Washington, the State as a whole, and ultimately the Nation ably and with distinction.

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

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

DAY OF RECKONING FOR YUGOSLAVIA

Mr. DOLE. Mr. President, tomorrow, May 15th, will be a day of reckoning in Yugoslavia—and I hope the world will be watching.

The representative to the Yugoslav Presidency from the Republic of Croatia, Stipe Mesic, is scheduled to take over the position of President from Borisav Jovic, the hardline Communist representative from the Republic of Serbia.

This event should signal to the world whether democracy is truly on the rise for all of Yugoslavia—tomorrow will be the first time in 45 years that the Federal Government and the Yugoslav Army—the last truly Communist Yugoslav institutions—will come under the authority of a democratic leadership. Unfortunately, while this transfer of authority is only a day away, we cannot be certain that it will actually take place.

Yugoslavia has been on the brink of civil war. In fact, some claim it has already begun. Only a year ago, the Republics of Croatia and Slovenia said "no" to communism and elected governments committed to democracy and free-market economies. To my great disappointment, the hope felt by the people of Croatia and Slovenia after shedding the shackles of communism has evolved into fear of a new crackdown by the Communist-dominated federal army.

Most of the incidents of violence we have seen in the past weeks have occurred in the Republic of Croatia. Cities and villages have come under siege by roving bands of armed militants. More than 20 people have died as a result of the violence, including 12 Croatian policemen, some of whose bodies were found mutilated.

These militants claim to represent the Serbian minority in Croatia, who account for about 11 percent of the population. But, there is increasing evidence that many of these militants are not disaffected Croatian residents, but rather are from the Republic of Serbia—sent to Croatia by hardline Serbian President Milosevic to foment violence and to create a climate in which the Yugoslav Army has an excuse to march in and declare martial law.

Under such a trumped-up scenario, the authority of the democratic republic governments would be suspended, and the Communist army would rule by fiat.

So far, that point has not yet been reached. However, the Yugoslav Army, since last week, has been on combat alert and is threatening to take matters into its own hands. It has also deployed additional units into Croatia from neighboring republics. While we do not have complete reporting on the activities of these army units, it appears that they are putting a higher priority on preventing the Croatian Government from restoring order than helping it to do so. Last week, there were also reports of the Yugoslav Army airlifting additional troops into Slovenia. One Croation official described the army's activities as a "kind of creeping coup."

Mr. President, many are asking what has led to these political convulsions? There are catchy phrases such as "ethnic hostilities," but they do not provide a complete explanation. The explanation for this turn of events is, in reality, that the Communists are attempting to protect and restore their power under the guise of helping a repressed minority and preventing the disintegration of the country. The truth is, it is the Communists and the extremists who are conducting these military and terrorist activities, who are the enemies of democracy, and who are really forcing the breakup of Yugoslavia.

Mr. President, individual freedom, human rights, the rights of minorities, can only truly be promoted and protected in a democracy. I urge all of the people in Yugoslavia to support democracy and peaceful means of resolving disputes and to reject violence and those who advocate its use.

Mr. President, I cannot predict the future of Yugoslavia, and I do not believe that the United States should advocate any particular option for the future structure of Yugoslavia. I do, however, believe that the United States must support democracy and the democratic republic governments—and firmly oppose the use of force by the Yugoslav Army or by terrorists to undermine the democratic process in Yugoslavia. It is those people who are really destroying Yugoslavia. The clock is ticking—the day of reckoning is just around the corner. I urge all of us to watch and to speak out if the day of reckoning turns into a day of tragic retreat for the forces of freedom.

ONE HUNDRED DAYS OF THE CRIME BILL

Mr. DOLE. Mr. President, last week, the House of Representatives passed the Brady bill. It is no secret that there will be some disagreements in this body on the Brady legislation:

Disagreements on how much it can really do to keep handguns out of the hands of criminals, and disagreements over whether the intent of the Brady bill would be better served wrapped into a comprehensive anticrime package.

There can be no disagreements, however, over the fact that crime continues to be a national outrage.

President Bush has sought to stem the tidal wave of crime by presenting us with a strong package of legislation, and he has asked us to pass it within 100 days.

We have now passed the half-way point in that 100 day clock and still, no action. As of today, there are only 37 days left on the clock and, still no action.

Sixty-three days have passed, Mr. President, 63 days in which criminals continued to wage war against law-abiding Americans, 63 days in which approximately another 3,000 Americans were murdered, another 15,000 women raped, another 75,000 the victims of robbery.

Mr. President, we cannot combat violent crime by ignoring it.

We need a constitutionally sound death penalty. We need to curb the abuse of habeas corpus procedures, so that criminals cannot tie our judicial system in knots with unlimited appeals and delays.

We need a good faith exception to the exclusionary rule, so that the guilty will be convicted by evidence seized by law enforcement officers in good faith. And we need stronger rights—for victims for a change.

We can put criminals on notice that enough is enough by passing the President's bill without delay.

We have debated those issues before. We ought to know what the American people want by now: They want tough laws, and tough votes in the U.S. Senate.

Crime is not a partisan issue: Let us face it, a robber does not ask if you are a Republican or a Democrat before he sticks a gun in your ribs.

We owe the American people, and all victims of crime, much more than turning our backs on the President's crackdown on crime. All of us can share in the credit by passing the President's bill, just as all of us will share in the blame by ignoring the 100-day clock and by ignoring the pleas of the American people.

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

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

NATIONAL DESERT STORM RESERVISTS DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 134, a joint resolution designating May 22, 1991, as "National Desert Storm Reservists Day" and that the Senate proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the preamble be agreed to; that the motion to reconsider be laid upon the table, and that a statement by Senator BENTSEN be printed in the RECORD.

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

So the joint resolution (S.J. Res. 134) was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 134

Whereas Operation Desert Shield/Desert Storm was the first Presidential call-up of members of the reserve components of the United States Armed Forces in over two decades;

Whereas the Secretary of Defense authorized the call to active duty of 360,000 members of the Ready Reserve;

Whereas in excess of 223,000 of the members of the Ready Reserve were actually ordered to active duty and 106,000 served in the Kuwait Theater of Operations of Desert Shield/Desert Storm;

Whereas tens of thousands of additional members of the Ready Reserve have volunteered or have been called to active duty to serve at bases in the United States and other parts of the world;

Whereas on January 16, 1991, the date Operation Desert Storm commenced, over 188,000 personnel and 375,000 short tons of equipment had been airlifted by the Air Force Reserve to Saudi Arabia;

Whereas members of the Army Reserve promptly addressed urgent water-purification, supply distribution, and other support needs;

Whereas members of the Navy Reserve supported air operations with C-9 aircraft and performed important medical, logistics support, intelligence and cargo handling missions;

Whereas members of the Coast Guard Reserve provided port security and supervised and controlled the loading of explosives and other hazardous materials;

Whereas members of the Air National Guard in conjunction with the Air Force Reserve flew 42 percent of the strategic airlift missions and 33 percent of the aerial refueling missions;

Whereas members of the Army National Guard made important contributions by providing military police and movement control assistance;

Whereas on January 13, 1991, a total of 146,106 Selected Reservists had been called to active duty;

Whereas on February 28, 1991, the date combat operations in Operation Desert Storm ceased, a total of 222,614 members of the Ready Reserve had been called to active duty, including 202,337 Selected Reservists and 20,277 members of the Individual Ready Reserve; and

Whereas members of the reserve components of the United States Armed Forces performed in an exemplary fashion during Operation Desert Shield/Desert Storm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22, 1991, the Wednesday of "Armed Forces Week"; is designated as "National Desert Storm Reservists Day" to commemorate the accomplishments of the men and women of the reserve components of the United States Armed Forces who proudly served the United States during Operation Desert Storm, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BENTSEN. Mr. President, as we approach National Armed Forces Week, it is important for us to pay tribute to members of the Reserves and National Guard of Operation Desert Shield and Desert Storm. Legislation that I introduced, Senate Joint Resolution 134, commemorates our Reserve Component Forces and their families by designating May 22, 1991, as "National Desert Storm Reservists Day."

Oliver Wendell Holmes once said "the noblest service comes from nameless hands." I believe that the 223,000 members of the Ready Reserves called up to help free Kuwait could be placed among this honorable company. They had to leave their families, their jobs, and their homes to answer the Nation's call. Nevertheless, their sacrifices were our country's gain.

It has been two decades since the United States has had a major callup of its Ready Reserves. In all, about 223,000 members of the Reserves and National Guard were summoned for the war. More than 100,000 reservists and guardsmen were actually sent to the Middle East to halt and to ultimately reverse Saddam Hussein's aggression. Not in the Kuwait theater of operations, but instead serving in vital support roles elsewhere, were other activated members of the Ready Reserves.

The concept of a total force policy was tested and proved valid during Operation Desert Shield and Desert Storm. Both directly and indirectly, members of the Reserves and National Guard were essential to our swift and decisive victory against Iraq. Their work included supply distribution, intelligence missions, aerial refueling, and combat operations. Performance reports indicate they met, even exceeded our expectations of them.

As these men and women return to civilian life, we do not want to overlook their significant contributions during the war. I ask that you join me in honoring members of the Reserves and National Guard on May 22, 1991: "National Desert Storm Reservists Day."

ORDER FOR STAR PRINT—S. 3

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 3 be star printed to reflect the changes that I now send to the desk.

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

ORDERS FOR TOMORROW

Mr. BIDEN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today it stand in recess until 10 a.m., Wednesday, May 15; that following the prayer, the Journal of proceedings be deemed approved to date; and that the time for the two leaders be reserved for their use later in the day; and that the Senate stand in recess from 12:30 p.m. to 2:30 p.m., Wednesday.

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

Mr. BIDEN. Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Senate has previously agreed to the time for reconvening tomorrow?

The PRESIDING OFFICER. The order is for 10 o'clock.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess, as under the previous order, until 10 o'clock tomorrow morning.

Thereupon, the Senate, at 6:42 p.m., recessed until Wednesday, May 15, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1991:

DEPARTMENT OF STATE

ROBERT H. PELLETREAU, JR., OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DEPARTMENT OF THE TREASURY

MARY CATHERINE SOPHOS, OF CALIFORNIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE BRYCE L. HARLOW, RESIGNED.

INTERNATIONAL MONETARY FUND

QUINCY MELLON KROSBY, OF NEW YORK, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS, VICE CHARLES S. WARNER, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RAYMOND P. ILG, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. KENNETH C. MALLEY, U.S. NAVY [redacted]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL J. MALBIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1994, VICE GARY L. MCDOWELL.

HARVEY C. MANSFIELD, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 1994, VICE JEANNE J. SMOOT.